



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD


CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION (summary)

In reference to the petition of Cabot, Cabot and Forbes Company for a Special Permit for a Planned Unit Development for Office use at a portion of 35-41, all of 43-49 and one-half of 51-65 Cambridge Parkway, the petition has been GRANTED by the Planning Board on 7/24/81 with the following conditions.

- 1) A total of nine (9) handicapped parking spaces which conform to zoning requirements shall be provided.
- 2) The sidewalk in front of the elevators in the basement level shall be narrowed to allow for a full 22' aisle width.
- 3) A variance is granted to allow the building to exceed, the maximum permitted height (120') by 3.5' as depicted on the Final Development Plans filed in the City Clerk's Office.
- 4) Variances are granted to allow a floor area ratio of 3.28 and a gross floor area of 293,902 square feet.

A copy of the complete decision has been filed with the Office of the City Clerk on July 24, 1981. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty days after the date of filing of the complete decision.


Elizabeth R. McCarthy
Secretary to the Planning Board



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

PUD DEVELOPMENT PLAN DECISION

CASE NO: PB-13

PETITION: Special Permit for a Planned Unit Development

APPLICANT: Cabot, Cabot and Forbes Company

ZONING DISTRICT: C-3A/PUD-2

DEVELOPMENT PARCEL LOCATION: A portion of 35-41, all of 43-49
and one-half of 51-65 Cambridge
Parkway

APPLICATION DATE: May 29, 1981

FIRST PUBLIC HEARING: June 16, 1981

PLANNING BOARD DETERMINATION: July 7, 1981

FINAL DEVELOPMENT PLAN SUBMISSION: July 20, 1981

SECOND PUBLIC HEARING: July 21, 1981

PLANNING BOARD DECISION: July 24, 1981

THE APPLICATION

In support of the Final Development Plan petition, the applicant submitted the following documents:

- 1) Planned Unit Development Application, Final Development Plan; Cabot, Cabot, and Forbes for development at above location, plans drawn by Hugh Stubbins and Assoc. Inc. pages 1-8, dated 7/17/81 and certified as complete by the Community Development Department on 7/20/81.

PUBLIC HEARING

A second public hearing was held by the Planning Board on the above referenced petition on July 21, 1981 at 7:30 p.m. in the Conference Room, Community Development Department to review the proposal in light of the Determination made by the Board on 7/7/81.

Charles N. Favazzo, Senior Vice President of Cabot, Cabot and Forbes reviewed for the Planning Board how the revised Final Development Plans met the conditions cited by the Board in their Development Proposal Determination. The modifications included, provision for active office use along the riverfront, provision for building setbacks, and revised parking area.

At this point, Richard Green, Architect of Hugh Stubbins Office presented a detailed slide showing of the revisions contained in the Final Development Plan.

A member of the Board then questioned the need for additional gross floor area above that allowed in the ordinance.

Mr. Favazzo explained that in fact Cabot, Cabot and Forbes did not need the additional FAR for a successful office project. He further stated that the additional FAR was necessary to meet the Board's request for active usage of building areas abutting the public waterfront park.

He further stated that Cabot, Cabot and Forbes felt this space to be very risky for the type of tenants market analysis has indicated this building would house.

The only economically viable way this type of space can be built would be as an addition to the allowable FAR.

The Board determined in light of the above that the public good and interest was sufficiently protected and that the building as proposed would be a benefit to the community.

There were no citizen comments.

FINDINGS

After consideration of all information available to it the Board has made the following findings:

- 1) All procedural requirements of Section 12.30, 12.343, 12.35 and 12.36 have been met with the submission of a Development Proposal Application on May 29, 1981; a first public hearing on June 16, 1981; a Planning Board favorable Determination on the Development Proposal on July 7, 1981; submission of the Final Development Plan on July 20th; and a second public hearing on the Final Development Plan on July 21, 1981.
- 2) The Final Development Plan contained revisions which adequately addressed (except for a few minor details listed in the final section of this decision) the conditions of approval outlined in the Determination approved by the Board on July 7, 1981.
- 3) The Final Development Plan conforms to the General Development Controls set forth in Section 12.50 of the Ordinance.
 - a. Applicability and Conformance with Existing Policy Plans. The Final Development Plan substantially conforms to the District Development Policies established in the East Cambridge Riverfront Plan in terms of principles, design guidelines, scale and form (see 9 Appendix of such Plan).
 - b. PUD parcel size. The parcel in question (comprising 67,287.5 square feet) exceeds the minimum required lot area of one acre and thereby conforms to such requirement.
 - c. Standards for Construction of Roadways. Not applicable.
 - d. Standards for Construction of Utilities and Public Works. All utilities will be installed consistent with standards of the appropriate departments of the City of Cambridge and private utilities.
 - e. Landscaping. The perimeter of the site will be suitably landscaped and the interior, open plaza areas will be adequately treated with masonry pavers and planters.
 - f. Environmental Performance Standards. The current proposal will conform with subsection 12.56 of the Zoning Ordinance.
- 4) The Final Development Plan substantially conforms to the requirements for a PUD-2 district as specified in Subsection 13.30:
 - a. The proposed office use is allowed under sub-subsection 13.323.
 - b. The proposed floor area ratio (FAR) of this development is 3.28 which exceeds the maximum permitted FAR of 3.0 for the PUD-2 district (13.331). This violation requires a variance.

- c. The proposed gross floor area (GFA) of this development is 293,902 square feet which exceeds the maximum permitted GFA of 269,002.5 square feet. This violation requires a variance.
 - d. The development plan conforms to the requirement for minimum size of development parcel as specified in sub-subsection 13.332.
 - e. Provided setbacks are satisfactory (13.334).
 - f. The building exceeds the maximum permitted height (120') (13.341) by approximately 3.5'. This violation requires a variance. The mechanical penthouse exceeds the maximum permitted height limit as allowed under 5.23. The plans conform to sub-subsections 13.342 and 13.343.
 - g. Open space areas are adequate.
 - h. The parking and loading requirements substantially meet the requirements of subsection 13.36 except for a few minor problems discussed in the "DECISION" below.
- 5) With regard to requested variances concerning gross floor area, floor area ratio, and height (see b, c, and f above), the Board finds that owing to circumstances relating to e and f in the "DECISION" below, the soil conditions and topography of the site under consideration especially affecting this site but not generally affecting the zoning district in which it is located, literal enforcement of the provisions of the City of Cambridge Zoning Ordinance would involve substantial hardship, financial or otherwise, to the petitioner. The Board also finds that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Cambridge Zoning Ordinance. The foregoing findings and analyses of the Board are based on the subsidiary findings set forth in the second public hearing record for and the detailed comments on the Final Development Plan.

DECISION

Based upon the above Findings, and having determined that the Final Development Plan substantially meets the evaluation criteria set forth in the applicable provisions of the Zoning Ordinance and contains the revisions previously requested by the Board, subject to the Conditions as set forth herein, being agreed to in writing by the developers, the Board hereby:

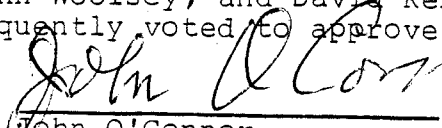
- (a) approves the Final Development Plan, except as modified below, pursuant to Subsection 12.36 as submitted by Cabot, Cabot and Forbes for development at the address specified in this decision, plans drawn by Hugh Stubbins and Assoc. Inc. pages 1-8, dated 7/17/81 and certified as complete by the Community Development Department on 7/20/81;
- (b) grants a Special Permit to construct a PUD in accordance with this decision;

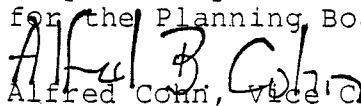
- (c) requires a total of nine (9) handicapped parking spaces which conform to zoning requirements;
- (d) requires that the sidewalk in front of the elevators in the basement level be narrowed to allow for a full 22' aisle width;
- (e) grants a variance to allow the building to exceed the maximum permitted height (120') by 3.5' as depicted on the Final Development Plans referred to in "(a)" above under "DECISION";
- (f) grants variances for floor area ratio and gross floor area with limitations of 3.28 and 293,902 square feet respectively;
- (g) recommends that bicycle spaces be designed to provide better protection from automobiles where this protection is not now provided;
- (h) recommends that the scattered location of bicycle spaces be consolidated near the elevators;
- (i) recommends that the building be treated in such a way as to encourage a human scale particularly in terms of details such as railings, window mullions, public amenities and facade treatment/materials. The Planning Board recommends using a brick facing in conformity with other historic brick facings used in Cambridge such as Kainegonic brick or a similar brick.
- (j) requires that amendments to the Final Development Plan are subject to Subsection 12.37;
- (k) requires that the applicant submit six (6) copies of the Final Development Plan and application booklet reflecting the minor modifications specified in this decision.

Severability

If any other term, provision, finding or condition of this Decision is determined by a Court of competent jurisdiction to be invalid, that determination shall not affect the validity of their Decision as a whole or any other terms, provision, finding or condition.

THIS APPROVAL OF THE APPLICATION for a PUD Special Permit, under Sub-subsection 12.364 of the Zoning Ordinance, has been made by the affirmative vote of five (5) members of the Planning Board which is more than two-thirds of the total membership of the Board. Voting to grant the Special Permit were Board members Alfred Cohn, Geneva Malenfant, John Woolsey, and David Kennedy. John O'Connor subsequently voted to approve this application.


John O'Connor

Respectfully submitted
for the Planning Board,

Alfred Cohn, vice Chairman

ATTEST: I, John M. Hines, duly authorized representative of the Applicant, have read this decision prior to action by the Planning Board and hereby agree to the foregoing conditions as approved by the Planning Board.

Cabot, Cabot, and Forbes Co.

By *John M. Hines* ^{DVP}
John M. Hines
Senior Vice President

7/24/81
Date

ATTEST: A true and correct copy of the decision filed with the Office of the City Clerk on 7/24/81 by *Mara A. Levy* authorized representative of the Cambridge Planning Board. All final development plans reflecting all revisions referred to in the decision have likewise been filed with the City Clerk on such date.

Twenty days have elapsed since the filing of this decision. No appeal has been filed _____.

Appeal has been filed but has been dismissed or denied _____.

Date: _____

City Clerk, City of Cambridge