

CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**  
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB#133

Address: 622 - 630 Massachusetts Avenue; 632-638 Massachusetts Avenue; 1-9 Central Square; 10-12 Central Square; 289 Green Street; 291 Green Street.

Owner: Holmes Nominee Trust, c/o James J. Rafferty, Esq., Adams & Rafferty, 187 Concord Avenue, Cambridge, MA 02138

Application Date: October 29, 1997

Public Hearing: November 18, 1997 and January 13, 1998

Planning Board Decision: March 17, 1998

Date of Filing Decision: April 1, 1998

Application: Special Permit to construct a mixed use building of residential and retail and/or office in the Central Square Overlay District, Section 11.300, for a waiver of the yard setbacks for residential uses (Section 11.304.4); waiver of parking requirements, (Section 11.304.6 b); additional height including the sky exposure plane, (Section 11.304.2 b, and c).

Decision: Approved 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.

*Elizabeth M. Paden*

Authorized Representative of the Planning Board

For more information regarding this special permit, please contact Liza Paden at the Community Development Department, voice: 349-4647; TYY: 349-4621, email [lpaden@ci.cambridge.ma.us](mailto:lpaden@ci.cambridge.ma.us)

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### **Application**

A Special Permit Application, submitted to the Planning Board on October 29, 1997, containing a dimensional form, locus plan, site plan with current land uses dated May 22, 1997; photographs of the existing conditions, perspectives of the development, proposed site plans, floor plans and elevations of the building proposed.

### **Documents Submitted**

The applicant also submitted photographs of the existing structure, abutting residences and the general character of the neighborhood.

### **Other Documents Submitted**

Central Square Advisory Report dated 8/28/97

Petition submitted in support of the proposal.

Letter to George Salzman, from Nancy S. Davis, dated 10/27/97 objecting to proposal

Letter to the Planning Board from Arnold B. Goldstein, Vice President of the Central Square Business Association, dated 11/14/97

Letter to the Planning Board from John Clifford, member of the Central Square Business Association, dated 11/14/97

Letter to the Planning Board from Cooper Thompson, Cambridge Human Rights commission, dated 11/14/97

Letters from members of the Central Square Business Association, dated 11/14/97, supporting the proposal.

Letter to the Planning Board from Bette James, member of the Central Square Business Association, dated 11/17/97

Letter to the Planning Board from William A. Orlandi, 57 Pearl Street, dated 11/17/97

Letter to the Planning Board from Peter Valentine, undated

Letter to the Planning Board from Paul Cottone, 266 Harvard Street, dated 11/17/97

Letter to the Planning Board from Arnold Ginsberg, dated 11/17/97

Petition submitted in opposition to the proposal, dated 11/18/97

Letter to the Planning Board from Denise Maguire, dated 11/18/97, director of Cambridge Children and Family Services

Donut Slave poem

Petition submitted in support

Statement to the Planning Board from Robert Boulrice, undated

Statement to the Planning Board from Elie Yarden, undated

Letter to the Planning Board from Central Square Neighborhood Coalition, dated 11/18/97, objecting to proposal.

Letter to the Planning Board from Carl Barron, CSAC member, dated 1/8/98, re: revision review.

Letter to the Planning Board from Geoffrey Neate, dated 1/10/98

Copy of letter to Elaine Thorne, from A. John Leddy, CSAC member, dated 1/13/98, re: comments on revisions.

Letter to the Planning Board from Carol Krieger, dated 1/13/98

Copy of letter Douglas Potter, dated 1/17/98

Letter to the Planning Board from James Rafferty, dated 1/20/98, granting an extension beyond the 90 day consideration rule to March 20, 1998

Letter to the Planning Board from Basav Sen, dated 1/20/98

Letter to the Planning Board from Anne F. Williamson, dated 1/21/98.

Letter to the Planning Board from Clifford A. Truesdell, Esq., dated 1/22/98.

Letter to the Planning Board from Sandra Graham, dated 1/22/98.

Letter to the Planning Board from Jon Bekken, dated 1/23/98, cover to comments submitted on 1/13/98

Letter to the Planning Board (Central Square Planning Board) from various petitioners, dated 1/23/98, opposing the proposal.

Letter to the Planning Board from Jeffry Herman, undated.

Letter to the Planning Board from Jean Keldysz, dated 1/26/98

Letter to the Planning Board from David Hoicka, P.C., dated 1/26/98, re: opposition to the Holmes Trust.

Letter to the Planning Board from Katt Hernandez, Somerville resident, undated.

Letter to the Planning Board from James Williamson, dated 1/26/98, cover to the Traffic Report for Development dated 1/26/98

Copy of Poem Tao Te Ching to the Planning Board, submitted 1/27/98

Letter to the Planning Board from Hatch Sterrett, dated 1/27/98.

Letter to the Planning Board from Hafthor Yngvason, Director of Public Art, dated 1/27/98, re: Visual Artists Rights Acts of 1990 and Massachusetts Art Preservation Act of 1986.

Letter to the Planning Board from Katherine Hernandez, dated 1/27/98, cover to petitions in opposition.

Letter to the Planning Board from Michael Isenberg, dated 1/27/98, explaining the Holmes violations to the Action Plan and Development Guidelines.

Letter to the Planning Board from Hubert Murray, dated 1/27/98

Letter to the Planning Board from Hugh Russell, dated 2/2/98, outlining his comments on the design and the special permit.

Letter to the Planning Board from Brad Bellows, dated 3/3/98, amended Holmes application.

Letter to the Planning Board from Brad Bellows, dated 3/6/98, amended Holmes application.

Letter to the Planning Board from Basav Sen, 158 Western Avenue, dated 3/3/98, RE traffic study.

Design Review Presentation Outline by Denise Carlone, dated 3/3/98, on the Holmes Trust

Letter to the Planning Board from Geneva Malenfant, dated 3/5/98

Letter to the Planning Board from Hubert Murray, AIA, RIBA, dated 3/9/98

Letter to the Planning Board from Michael Isenberg, dated 3/10/98, re: Central Square Guidelines and Action Plan

Letter to the Planning Board from Jon Bekken, dated 3/10/98, supplemental comments.

Letter to the Planning Board from Edward G. Ayoub, undated.

Letter to the Planning Board from Jeanne Strain, Director of Economic Development, dated 3/11/98, re: Efforts to Support the Diversity of the Retail Mix in Central Square

Letter to the Planning Board, from James Williamson, dated 3/13/98, cover to compilation of material

Letter to the Planning Board from Marie D'Aoust, Eviction Free Zone, dated 3/1/398.

Letter to Paul Dietrich, from Shoshana Weiner and Daniel Morgan, dated 3/15/98, cover to a petition from concerned Harvard Community.

Letter to the Planning Board from James Williamson, dated 3/15/98.

Letter to the Planning Board from Basav Sen, dated 3/16/98. re: the Holmes development traffic study.

Letter to the Planning Board from unknown, dated 3/17/98

Letter to the Planning Board from Stephen Kaiser, dated 3/16/98, review of the 3/3/98 traffic comments.

Letter to Beth Rubenstein, Deputy Director of CDD, from Barry Porter, AICP, The BSC Group, dated 3/17/98, re 3/3/98 comments.

Letter to the Planning Board from James Rafferty, dated 3/17/98, re Special Permit Criteria.

Letter to the Planning Board from Manning Apartment petitioners, dated 3/17/98

Revised Plans and dimensional form entitled "Central Square Project, *Holmes Real Estate Trust*", dated March 16, 1998

Letter to the Planning Board from James Rafferty, dated 3/20/98, granting and extension to April 3, 1998.

### **Public Hearing**

**November 18, 1997 Public Hearing.** A public hearing was held on November 18, 1997 at the City Council Chambers, also known as the Sullivan Chambers at Cambridge City Hall. James Rafferty, attorney for the applicant presented the owners, the architects and the application. He also gave a history of the building, uses and the ownership.

The proposal is a mixed use development located in the Central Square Overlay District. The building would have 72 units of residential housing on floors 3 through 7, with retail and/or commercial uses on the first two floors.

Mr. Rafferty indicated that the process to date has involved meeting with neighborhood groups and associations and the Central Square Advisory Committee. These meetings have brought about some substantial changes to the project. There has been a decrease in the number of residential units, a decrease of the height, and a redesign which resulted in a courtyard in the middle of the block, create an access from Green Street to Massachusetts Avenue.

The applicant is requesting three waivers for the this plan. One is to waive the setback required for the residential use in the Business B district. The required setbacks would not be appropriate on this site of three front yards and within the Central Square Overlay District which specifies this waiver as part of the goal of locating housing in the district. The second waiver sought is for height. There are two elements of the building that reduce the bulk of the development. One of the elements meets the 55 foot height limit for the cornice line. The remaining building element measures 57 feet, or two feet over the cornice height limit. The maximum height of the building will exceed 70 feet.

The proposal is also seeking relief from the parking requirement. The proposal is for 80 parking spaces on one level of the building, with one parking space per dwelling, leaving 8 spaces to be allocated to the office and/or retail use, and depending on the mix of use, the amount of relief varies.

Mr. Rafferty suggested that since March there has been substantial neighborhood and Central Square Advisory Committee review: this design reflects responses to those comments. There have been offers extended to most of the tenants currently in the building, and letters of commitment to return signed with almost all. These are private contracts with the tenants; some are expecting to return, some are being relocated either in the Central Square area or elsewhere. There has been an ongoing issue of the conflicts between food uses and housing which are being addressed through the location of a coffee shop. The offers to return to the building were made in order of length of tenancy. The owner prefers to develop the site for residential use and is not interested in an as of right office building even though the owner has explored that option.

Michael Liu, the Architect of the Architectural Team, Inc., presented slides of the area, showing the historical development of the Central Square area and comparing the building to others. He reviewed the site plan with the open access from Massachusetts Avenue to Magazine and Green Streets; the open space and court yard areas intended to be publicly accessible. The wheelchair access was pointed out. He discussed the plans to reuse the CVS facade and the development of the plan to preserve the facade in place rather than wrapping it into the courtyard. He showed the details abutting the Carl Barron Plaza and setbacks from Central Square at the bus stop.

The Planning Board deferred their questions after the presentation in order to take public comment. It was determined that a continuation would be necessary to accommodate all of the comments; a continuation

of the hearing was set for January 13<sup>th</sup>, 1998, at the Central Square Senior Center at 7:30 p.m.

**January 13, 1998 continuation of the Public Hearing.** On January 13, 1998, the Planning Board continued the public hearing. Carolyn Mieth chaired the meeting in the absence of Paul Dietrich, chair. James Rafferty reviewed the waivers being sought from the Planning Board and the variances to be requested from the Board of Zoning Appeal. He discussed the standards for issuance of the special permit and the relevant sections of the Central Square Action Plan and the Central Square Design Guidelines. He pointed out that the project would promote housing in Central Square and enhance the available retail mix.

The traffic study was presented by the applicant and discussed. The study found that there would be 14 additional A.M. peak trips and 22 additional P.M. peak trips.

The shadow study was discussed.

Ralph Cole discussed the affordable housing contribution of 11 units, 15% of the total of 72. These units would be subject to the standard covenants used by the City to ensure affordability for the duration of the special permit.

Public testimony then resumed.

There were comments from the public in opposition to the proposal consisting of a slide show of concerns, a video of areas affected by the petition in the Overlay District, the areas of congestion, and how the applicants were not meeting the guidelines nor the zoning. Numerous people spoke suggesting that the project would be inconsistent with public policy objectives because retail diversity in the Square will be lost, existing businesses will closed, the impact of additional market rate dwelling units will accelerate the loss of residential diversity in the neighborhood by escalating rents. Some indicated a preference for an as-of-right office building. Reduction in scale was suggested. Others criticized the specific details of the design including the feeling that the upper level public plaza would not work and would be dangerous.

There were comments from the public supporting the proposal and suggesting that ongoing review be part of the special permit, that the retail proposed would meet family needs, the affordable housing would allow for diversity in the neighborhood as well as extending the hours of positive activity in the Square. Supporters had comments on the design details but suggested that the general program presented was consistent will long standing city objectives for the future of Central Square.



At the close of public testimony, the applicant granted an extension to the Planning Board to permit the Planning Board to receive written comments on the newly submitted materials like the traffic study, the shadow study and other comments made by the applicant; to deliberate on the case; to write a draft decision; to review the draft decision and to vote on it; as well allow time for the filing of such decision.

A motion to accept the extension passed with 6 in favor and 2 opposed.

**February 3, 1998 Deliberation on the Proposal.** The Planning Board deliberated for the first time on the proposal at its regular meeting of February 3, 1998. The Planning Board suggested substantial changes to the proposal that would likely be necessary if the requested special permits were to be granted although in general the members of the Board did not take issue with the program as presented.. Among the changes suggested were: reconsideration of the function and orientation of the upper plaza which was not thought to work as a public space or a location for retail activity; a redesign of the physical form of the structure such that it did not overwhelm the prominent public space at Carl Barron Plaza, that the height of the building be reduced at that critical location and that consideration be given to increasing the amount of additional open space provided along the periphery of the site. There was concern expressed with regard to the location of the entry of the residential portion of the building and the potential for conflict with public activity on the sidewalks. The Community Development Department staff was instructed to work with the applicant to redesign the project consistent with Planning Board concerns.

Additional public comment was taken.

**March 3, 1998 Deliberation on the Proposal.** A revised scheme was presented to the Board and described by Roger Boothe, CDD staff, and Denis Carlone, Consultant to the Community Development Department and the Planning Board. After much discussion and review of additional information, like revised shadow studies, the Board members indicated positive reaction to the revised plan. Further analysis of the function of the entry forecourt and the possibility of increasing its size and public aspect was suggested as well as further refinement of the traffic study. Other comments on detailed aspects of the design were advanced for consideration by the applicant. Again the Community Development Department was requested to continue to work with the applicants to refine the design in response to the additional comments made at the meeting. The Board instructed the Community Development Department to prepare a draft decision for consideration by the Board at its next meeting.

Additional public comment was taken.

**March 17, 1998 Deliberation on the Proposal.** At the March 17, 1998 meeting the Board received the final plans reflecting comments made by the Board at its earlier March meeting. Again Roger Boothe, CDD staff, and Denis Carlone, CDD and Planning Board consultant, presented the revised plans, indicated the changes made, and suggested support for the scheme as it has evolved. Board members made comments. Several remaining issues were identified: The potential design and use conflicts between the public space of Carl Barron Plaza, the residential entrance and the retail uses of the courtyard; the Green Street facade, where there is a transition from the widened public sidewalk to the entrance to the parking garage and the need for careful and sufficient detail to keep the facade friendly; concern for safety issues as outlined in a letter from some Manning Apartment tenants, dated 3/17/98; additional trees in the plaza, combined perhaps with the trellis, to soften the space and make it more appealing; the character and size of the skylight on the plaza.

The affordability of the retail was discussed, prompted by a memo from applicant dated 3/17/98. There was a desire to encourage, if they wish, a return of the tenants now in the building. The applicant outlined the steps that have been taken to date. Nine of the currently 12 commercial tenants in the building have executed agreements with the landlord that allow them to return to the new building.

There will be 72 units of housing, 11 of which are affordable. The project will conform to the newly adopted Section 11.200, and will therefore not require a variance for FAR.

The applicant indicated that it would be acceptable to commit to 5 retail units of <2,000 square feet for a period of 3 years.

The formation of a consumer advisory group was discussed. The group could advise property owners in the future as to the kinds of retail services desired and useful to the residents in the adjacent residential neighborhoods. While Board members in general agreed that such a group might be useful, they believed it should not be made a condition of the permit that such a group be formed or interact in a specific way with the applicant.

The issue of resubmittal of the proposal because of its significant evolution since the first public hearing was discussed. It was the Board's view that there have been no changes to the program, the mix of uses, the maximum size and dimension of the structure (which has actually gotten smaller), or the relief required. All changes in the design have

been the result of comments made by the Board and the community in the public discussions at Planning Board meetings.

A condition was proposed and accepted that there be continuing work on a transportation demand management plan for the site: That the applicant continue to work with the appropriate city departments (Traffic, Parking and Transportation and the Environmental Division of CDD) to develop an appropriate plan considering current and future transportation related programs and projects, including commuter mobility.

A condition was proposed for the applicant to make available space for the Cambridge Business Development Center to use as an office and as incubator office space as has been discussed by the applicant and CDD. The condition was acceptable to the applicant. This condition was accepted by the Board.

A condition was proposed that the applicant keep the Planning Board updated as to the retail tenants and their tenancy. It was agreed that the Community Development Department would work with the applicant and update the Planning Board as needed on these aspects of the project.

A condition was proposed that the applicant have Planning Board approval as to selection of the retail tenants and their tenancy. This condition was considered to be excessive and an area of intervention that was beyond the scope of the Board to demand. It was not accepted by the Board.

A condition was proposed that the applicant conform to the requirements of the new Section 11.200. Such a condition was found to be redundant as the project must meet all requirements of the zoning ordinance and any other ordinance that applies.

A condition was proposed that the applicant continue design review by the Planning Board. The Planning Board amended this condition to state that all design review would be carried out by the Community Development Department staff and its consultant. This condition was accepted by the Planning Board.

A condition was proposed that the applicant would work with the Cambridge Arts Council to incorporate some piece of public art into the project and to discuss the existing mural on the abutter's wall. This condition was accepted by the Board.

Other conditions were discussed and adopted: changes to the text of the draft decision dated 3/17/98 were made by the Board.

No public comment was solicited at this meeting.

### **Findings**

In making its decision with regard to the this application, the Planning Board has reviewed the proposal against a number of standards and criteria established in the Zoning Ordinance, referenced by the Zoning Ordinance or established in other applicable policy documents.

#### **1. Consistency with the policies enumerated in *Toward a Sustainable Future: Cambridge Growth Policy Document*.**

The Growth Policy document, adopted by the Planning Board in 1993, sets forth seventy planning policies meant to guide the city and its constituent agencies in planning for the future physical development of the City. Several policies are relevant to this Special Permit #133: the Planning Board finds that the proposal is consistent with those policy objectives.

Land Use Policy #3 suggests that “the wide diversity of development patterns, uses, scales and densities present within the city’s many ... commercial districts should be retained and strengthened. That diversity should be between and among various districts and not necessarily within each individual one.” Central Square is one of the city’s principal commercial districts, which serves primarily the immediately surrounding residential neighborhoods as well as Cambridge as a whole. Even with the establishment of the Central Square Overlay District, which reduced the scale and density of building allowed in Central Square, the body of zoning regulations now in effect acknowledges that Central Square is a high density commercial area that is expected to accommodate development on the scale of this proposal.

Land Use Policy #8 suggests in part that the “the availability of transit services should be a major determinant of the scale of development and the mix of uses encouraged and permitted in predominantly nonresidential districts in the city....” This proposal is immediately adjacent to one of the principal stops on the MBTA transit Red Line and to bus loading and discharge facilities that provide access to a wide area within Cambridge and abutting towns. The density and building scale permitted in the Central Square Overlay District, and the reduction in required parking also allowed by special permit, reflect the land use and structural implications of this policy objective. The building’s form, scale and use program are consistent with the requirements of the Zoning Ordinance and with Policy #8. Transit Policy #15 reiterates that objective when suggesting that the city “enact land use regulations that encourage transit and other forms of non automobile mobility by mixing

land uses, creating a pleasant and safe pedestrian and bicycle environment and restricting high density development to areas near transit." The zoning regulations embodied in the Central Square Overlay District are in furtherance of this policy objective. The proposal contains both retail use and housing at moderate densities and provides an improved private edge to the important public spaces at Central Square.

Housing Policy #26 suggests preserving existing residential neighborhoods at their current density, scale and character and Housing Policy #33 suggests that new housing, with an affordable component, should be encouraged in traditionally non residential districts. These policies work in tandem, suggesting that the needed new additions to the city's stock of housing generally, and affordable housing specifically, will not typically be accommodated in the already built up residential neighborhoods; rather, most new housing construction will occur in those non residential areas that can accommodate larger scale development and substantial numbers of housing units. This proposal is consistent with these policies.

Urban Design Policy #59 suggests that "the regulations for all zoning districts in Cambridge should reflect the city's fundamental urban design and environmental objectives: height, setback, use, site development, and density standards imposed should be consistent with or advance those urban design objectives." The provisions of the Zoning Ordinance under which this development seeks special permit approval, while adopted before the formulation of this and the other policy statements in ***Toward a Sustainable Cambridge***, were developed to implement recommendations of a detailed urban design and policy plan expressly developed for Central Square that is consistent with the Growth Policy document. The reduction in parking requested, the height of buildings to 67 feet (above 55 feet but less than the 80 feet permitted by right), and the waiver of the yard requirements for the housing portion of the development (particularly along Green Street where the most significant reduction is requested), are all permitted after review by the Planning Board through a special permit process. In substantial measure the zoning lays out the parameters for acceptable development on this site: the special permit process permits detailed review of a proposal and an opportunity to tailor the general regulations to a particular environment.

Other policy statements, particularly those related to transitions between differing scales of development and intensity of uses, suggest that the particular physical form of this development is appropriate to this central location in a densely developed city and regional commercial hub.

## **2. Consistency with the principles enumerated in the *Central Square Action Plan*.**

The **Central Square Action Plan** was published in November 1987 after two years of work with the affected communities in Central Square. The Plan is meant to be a policy and design guide with regard to physical and economic change in Central Square. It is a guide not only for the Planning Board in its role as administrator of portions of the zoning ordinance, but also for other city agencies with other official responsibilities in other aspects of public service, for the business community and property owners, and for residents as well. The current zoning regulations, under which this proposal is seeking special permit approval, were developed as a companion to, and an implementation of, the recommendations of the **Action Plan** to the extent to which those recommendations were relevant to those areas that are reasonably within the scope of zoning regulations to advance. The adopted zoning reduced the gross floor area permitted within the district by twenty-five percent, set a permitted limit of eighty feet (where no height limit had previously been imposed), restricted the expansion of fast order food establishments, required active ground floor retail uses along Massachusetts Avenue and specific design features to make that retail activity visually accessible, provided some recognition and protection for historically significant structures, waived parking requirements, and established height transitions at critical boundaries with the neighborhoods. The Planning Board finds the proposal consistent with the goals and objectives of the **Action Plan** insofar as those goals and objectives are achievable through zoning:

*a. Encourage responsible and orderly development.* The body of regulations and requirements incorporated into those portions of the zoning ordinance applicable in Central Square, and to this site, embody the City's vision for orderly and responsible physical development. The proposal conforms to the requirements of those zoning regulations, and is subject to Planning Board review where those regulations require special permits. In conforming to the requirements of the recently adopted revised Section 11.200 relating to Inclusionary housing, the proposed development will not require any variance from the limitations of the Central Square Overlay District and its constituent base districts. As constituted in the Zoning Ordinance a special permit should be granted except where the conditions of that special permit cannot be met or where the specific circumstances of the site, use and development will cause harm to the public interest. The Board finds no reason why the requested special permits should be not be granted.

*b. Strengthen the retail base and the market capture of the neighborhoods.* The zoning ordinance cannot reasonably or effectively mandate the establishment or retention of specific enterprises or countervail the market forces that determine rents

or where neighborhood residents choose to shop and for what. The **Action Plan**, however, has as one of its principal goals the retention of existing businesses. That goal is not inconsistent with the requirements of the zoning ordinance or the physical layout of the proposal before the Board, but it is undoubtedly most effectively addressed by community and city efforts beyond the confines of the administration of the zoning regulations in Central Square. Nevertheless, through zoning, certain physical forms and use patterns can be encouraged that would advance this objective. The Central Square Overlay District makes such efforts. The proposal is a mixed use development that contains two floors of retail activity. In addition, the building plans indicate a wide range of individual retail store sizes, from small to quite large, which offers the potential for a variety of tenants that could serve a diverse spectrum of customers.

The petitioner has indicated a willingness to enter into an agreement with the city, whereby the City could provide that space at below market rents to serve incubator retail enterprises. In addition a commitment has been made by the petitioner to assist existing tenants should they wish to return to the new facility. A further commitment has also been made to provide initially, and retain over time, a number of smaller stores within the retail portion of the building, which small spaces are critical to allowing the possibility of accommodating locally based stores that are better at reflecting local market demand. As a companion, the larger floor plates hold out the promise of attracting dry goods retailers for which the community has long expressed a need and for which there has not been a suitable location in Central Square in the past. Finally, there will be a substantial increase in retail activity on the site.

The design requirements found in the Zoning Ordinance for retail facades will be met.

c. Preserve the Square's cultural diversity. The zoning regulations cannot mandate who will or will not live in Central Square. Those regulations can, however, permit or encourage residential uses and, where constructed, require that some units be available for affordable households, allowing the potential for a variety of new households to live within the Square. Reflecting community objectives if not precise zoning requirements, the proposal is a mixed use one that contains housing as a major component. Housing is not a required use in any development in the Overlay District; this proposal does, however, provide 72 residential units of which 11 will be affordable units; the affordable units will

conform to the requirements of the newly adopted revised Section 11.200. Within the limits of zoning, the proposal advances this goal.

d. Create an active, people-oriented space. The proposal provides active retail frontage along the critical edges of the building at Massachusetts Avenue and Central Square. It introduces a modest number of new residents at the heart of Central Square who will provide additional activity at this central location for many hours of the day and evening; the principal public entry to the residential portion of the building is at Central Square. The entry forecourt, as it is designed, has the potential to place the active comings and goings of residents of the building at a location where that movement enlivens further the heart of the Square in combination with the activity generated by the retail stores that will share this semi-public/semi-private space.

More generally, the people oriented spaces here are the public sidewalks and the public plaza and the prominent bus loading areas. The proposal enhances those spaces by activating the edges with stores, by providing additional width of sidewalk at two street frontages, by providing a well designed neighbor in the form of the building proposed, and through that design allowing light to reach the plaza that would not occur with an as-of-right building fifty-five feet tall.

e. Improve the physical and visual environment. Many approaches could be taken to improving the physical environment at this site. Rehabilitation and modernization of the existing structures on the site would have been one approach, one consistent with the **Action Plan**; the petitioners, however, have chosen redevelopment of the site. Rehabilitation is particularly favored by the zoning regulations where important historic resources can be salvaged and enhanced. The Cambridge Historical Commission has identified only the facade of the Greco Building as a Preferably Preserved Significant Building, thus not significantly limiting the reuse of the site through substantial new construction. That facade will be retained and incorporated into the new building in a manner reviewed and approved by the Commission and its staff. Redevelopment of the lot otherwise, offers the opportunity, realized by the development, to provide wider sidewalks at critical locations along the edge of the property where active passenger transfers to busses occurs. The Board finds the details of the proposal in this regard a reasonable compromise between accommodating the especially heavy and lively pedestrian activity at this building's edges, as contrasted to an alternate that might so expand the open



space as to diminish the sense of vitality and energy found at this crossroads. Furthermore, redevelopment permits a substantial upgrading of the physical fabric of buildings on the site.

f. Provide retail establishments that cater to the people of diverse economic and social groups who live in the surrounding neighborhoods. Not only can zoning not mandate who will live in Central Square, it cannot with precision mandate what individual stores and enterprises will locate and be successful. Certain categories of uses might be prohibited or regulated, as the ordinance does now with fast order food establishments and with activities that provide live entertainment. More specific intervention with the operation of the market for retail space here or in any other location in the city, should it be desirable, is the province of other city and community agencies through non zoning regulatory or incentive mechanisms. The Planning Board finds, however, that the proposal serves this goal in ways within the province of zoning. Specifically, as stated above, the mixed use development contains two floors of retail space and will subdivide that space to accommodate a variety of retail enterprises, small and large, including some restaurant activity; that physical structuring of the space offers the opportunity to respond in diverse ways to the market demand for retail services in Central Square. The activities at this site will serve residents of Mid-Cambridge, Riverside, Neighborhood 4 and Cambridgeport.

g. Encourage the development of mixed income housing. The proposal is a mixed use building containing 72 units of housing, of which eleven units will be affordable, consistent with the requirements of the newly revised Section 11.200 of the Zoning Ordinance. The zoning regulations in the Central Square Overlay District do not mandate a component of housing in any development. Meeting this goal of the **Action Plan** has been a choice of the petitioners through the inclusion of housing in the development.

h. Promote compatible retail adjacent to residential uses. The project is sited at the heart of Central Square and the retail activity that radiates out from that location. The Green Street edge, which provides a transition from this site to the more residential character of the adjacent block, is provided with some small retail space that offers the potential of serving the adjacent residential buildings as well as to provide a more inviting building facade facing onto what is now a space heavily dominated by busses. In addition, a proposed entrance to the future pharmacy/drug store location, which fronts principally onto Massachusetts Avenue, will

be maintained on Green Street, providing a convenient access to the facility from residents on adjacent blocks.

The **Action Plan** has a number of specific objectives with regard to more specific functional areas: Retail Development; Housing Development; Streets, Sidewalks and Open Space; and Traffic and Parking. For the most part those specific objectives are an elaboration on the more general goals discussed above. The Board finds that the proposal addresses appropriately those more specific objectives as well.

### **3. Consistency with the objectives of the Central Square Development Guidelines.**

The **Guidelines** are a subset of the **Action Plan** designed to provide detailed guidance with regard to the physical form of new development in the Square consistent with the Urban Design Plan component of the **Action Plan**. The Planning Board finds that the building program proposed and its physical form are consistent with the objectives of the Guidelines generally as they relate to the entire Central Square district, and specifically as they related to the "Heart of Central Square" sub-district within which this proposal is located. Design principles and guidelines are set forth for a number of functional design areas:

a. Stores and Storefronts. This project advances the objective of having storefronts that are oriented to the pedestrian, provide visual interest day and night, and create individual store identity. The preservation of the distinctive Greco Building facade will assist in that effort. Non retail uses on the ground floor abutting Massachusetts Avenue are discouraged as are service entries (loading and parking). The design is consistent with those objectives.

b. Housing. The development of housing, as a single use or in combination with retail activity, is encouraged. Diversity in unit size and in the residents who occupy it is should be accommodated. Residential units are encouraged to face Green Street where existing housing on adjacent blocks needs to be protected. An affordable component is desired. Private yards or open space for tenants is encouraged. The proposal meets these objectives.

c. Parking and Service Areas. It is encouraged that commercial activity depend on the availability of public transit and that accessory parking not be provided for that component of a development. When parking is provided it should be screened and

not interfere with active retail use on the principal frontages of a lot. Entries to these facilities should be away from intersections, off of Massachusetts Avenue and located so as to minimize disruption. The project is consistent with these objectives.

d. Streets and Sidewalks. The improvements that had been initiated at the heart of Central Square by the MBTA were encouraged to be extended throughout Central Square. Much of that work has been done by the City through the recently completed Central Square Improvements. This project will widen sidewalks along Green and Magazine Streets consistent with that objective.

e. Elements of Building form.

(i) Height. The greatest height and bulk are encouraged on Massachusetts Avenue, and lower at the residential edge. The heights chosen should be consistent with the overall context. Where a streetwall edge is established, the cornice heights of adjacent buildings should be respected. This site at the heart of Central Square is surrounded by the tallest buildings in the district, some of which happen to be residential in use. The building's proposed form is consistent with these objectives and with the character of the commercial and residential buildings that provide the built context for this project.

(ii) Scale. The heavy pedestrian activity in the Square should be recognized through treatment of the ground floor of buildings in ways that relate to the human dimension and provide interest through rich detail. Through the preservation of the historic facade, maintenance of a strong retail streetwall along Massachusetts Avenue and Central Square, and through the character of the details that have been suggested in the schematic plans, this objective is well served by the proposal.

(iii) Massing. There should be a strong linear retail frontage on Massachusetts Avenue with structures built to a common party wall. The retail frontage of the proposal reinforces the historic shape of Central Square and is broken only by a modest forecourt that serves as entry to the housing component of the project and provides a small semi-private space for retail activity off of the high level of activity at Carl Baron Plaza.

(iv) Streetwalls and setbacks. Building walls along Massachusetts Avenue are encouraged, with alcoves minimized. Setbacks are encouraged on the narrow side streets where more width for ease of circulation is desirable. The proposal is substantially consistent with these objectives. By relaxing the setback requirements for the housing portion of the project on the upper floors, the desired building form in Central Square, as described here, can be achieved. Elsewhere the project exceeds the setbacks required by provided a modest widening of the sidewalk at Massachusetts Avenue, and considerably widening the sidewalks at Green Street and Magazine Street where patrons of the adjacent bus loading areas will benefit.

Detailed suggestions for exterior treatment of new construction are set forth. The proposal has been clearly designed to reflect the design character intended to be encouraged by those suggestions.

The "Heart of Central Square" district is more precisely described: The site of this proposal is identified as a possible development site; the Greco Building is identified as an historical feature to be protected (the Historical Commission has identified the facade of this structure as worthy of preservation); the service areas along Green Street are identified as needing improvement; the view of the church steeple from the Square is identified as worthy of preservation; the greatest heights in the district should be located at Central Square; the vehicular/pedestrian conflict at Green and Magazine Street should be improved. The design as approved by the Planning Board substantially addresses or is consistent with these objectives.

#### **4. Conformance to the Standards for Issuance of Special Permits in the Central Square Overlay District, Section 11.305.**

In issuing a special permit in the Central Square Overlay District, the Board is to be guided by the goals and objectives outlined in the Zoning Ordinance, the *Action Plan* and the *Design Guidelines*. As set forth above, the Planning Board finds that those goals and objectives have been met consistently within the ability of the zoning ordinance and zoning regulation to address them. The Board understands that this development cannot on its own address all of the public aspirations embodied in the *Action Plan* and the *Design Guidelines*. Nor do these documents expect that all objectives will be met with any one development proposal. Furthermore, other public action may be necessary and appropriate to fully meet all of the City's objectives in Central Square. Nevertheless, within the legitimate scope of the zoning

ordinance and zoning regulations, and within the capacity of one single site and one property owner, the Board finds that the development proposed and the specific special permit relief sought is fully consistent with the goals and objectives of the **Central Square Action Plan** and the **Central Square Development Guidelines**. Furthermore, the design adequately screens the parking provided and is sensitive to the contributing buildings that are immediately adjacent and across the street. Nor is any National Register or Contributing building being demolished as a result of the findings of the Cambridge Historical Commission that no structure on the site but the facade of the Greco Building is a Preferably Preserved Significant Building (Section 11.303.3 of the Zoning Ordinance).

**5. Conformance to the criteria for issuance of the special permit to waive parking and loading requirements, Section 11.304.6 b.**

*a. The waiver of parking and loading requirements results in a building design that is more appropriate to its location and the fabric of the neighborhood.*

Additional parking to serve the non residential uses on the site might very well encourage placing some or all of the additional accessory parking at grade within the building, reducing the amount of active area devoted to commercial use on the most valuable commercial ground floor and potentially further reducing the appeal of the exterior of the building as it faces the public sidewalks where the building facade would be screening internal parking facilities. Any negative design consequence would be compounded by the fact that such spaces, accessory to retail activity immediately adjacent to a transit station, would be undesirable from a transportation management perspective as suggested by the standards established for the issuance of the general special permit for reduction in parking set forth in Section 6.35 of the Zoning Ordinance.

*b. Conforms to the objectives and criteria of the **Central Square Development Guidelines**.*

See discussion above.

**6. Conformance to the general criteria for issuance of special permits, Section 10.43.**

The Planning Board will normally grant a special permit where the specific provisions of the Ordinance are met, except when the specifics of location or use, not generally true in the district, would cause the granting of the permit to be to the detriment of the public interest for the following reasons.

a. The requirements of the Ordinance cannot or will not be met. With the issuance of the special permits requested, and in conformance with the requirements of the newly revised Section 11.200, the development will meet the requirements of the Central Square Overlay District and those specific provisions that are not waived as part of this Decision.

b. Traffic generated or patterns of access and egress would cause congestion, hazard, or substantial change in established neighborhood character. The project's location is at the center of much pedestrian and vehicular activity, with the possibilities for conflict that that situation engenders. The design will handle the new activity it will bring to the site well. The service to the retail portions of the project will be completely internal, access to those service facilities and to the on-site parking are placed at the most logical and safe location along the long periphery of this site, where along much of its length such access would not be desirable. Sidewalks will be widened to facilitate pedestrian movements around the site, and along Green Street in particular. No parking will be provided for retail tenants and customers; use of public transit for these persons will be encouraged at a location directly adjacent to a major transit station. While considerable fault was found with the details of the traffic study provided to the Board in support of the application, the Board has been advised by the staff of the City's Traffic and Transportation Department and traffic consultants to the Community Development Department (which advice the Board finds credible and consistent with the special location of this development and analysis done for other projects elsewhere in the city) that adjacent streets can accommodate the residential traffic that will be generated by the residential parking spaces provided at the site, that service can be adequately provided to the retail component of the project, and that additional commercial parking is not desirable. The petitioner will be required to adopt traffic mitigation measures, appropriate and proportional to the impact the development will have, to further ensure that traffic to and around the site will be at a minimum.

c. The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use. The proposal will strengthen the retail activity of the Square by providing new space in a wide range of sizes and by providing homes for new residents who will live right in the heart of the Square. The bulk and height of the building, consistent with its relatively large lot size, is compatible with its immediately adjacent buildings, and is in scale significantly less imposing than several nearby commercial and residential buildings. By improving the physical character of the Green Street frontage, existing commercial and residential uses on that street will benefit from an improved and more

attractive environment. The character of the Massachusetts Avenue retail district will be enhanced and strengthened.

d. A nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or the citizens of Cambridge. On the contrary, nuisances and hazards will be reduced or eliminated through improved, better organized service facilities for the retail uses on the site, wider sidewalks that will make it easier for pedestrians to move about in a very congested, high traffic and vehicle movement area, and through the inclusion of modern ventilation and other equipment incorporated into the building in a thoughtful way; the occupants of the building will benefit from the services provided by the building and other activities in Central Square; residents in adjacent buildings will benefit from new neighbors and a more functional and attractive structure on the site; and the general public will benefit from the retail activity that will remain at the site and new residents who will provide additional surveillance at the center of the Square.

e. For other reasons the proposed use would impair the integrity of the district, or the adjoining district, or otherwise derogate from the intent and purpose of this Ordinance. The proposal will substantially fulfill the intent and purpose of the Central Square Overlay District, and the **Action Plan** objectives upon which that zoning scheme was based. It will secure the integrity of adjacent residential zoning districts by introducing a significant element of new housing and the inclusion of affordable units and by better organizing the service facilities accessory to the retail portion of the proposal, and will otherwise substantially serve the public interest as that interest is expressed in the many documents referenced in this decision.

### Decision

Based on a review of the application documents, testimony heard at the public hearing and based on the findings set forth above the Planning Board GRANTS the special permit for waiver of the yard setbacks for residential uses (Section 11.304.4); waiver of parking requirements, (Section 11.304.6 b); and permits additional height above fifty-five feet and above the sky exposure plane, (Section 11.304.2 b and c) subject to the following conditions and limitations.

1. The final plans submitted to the Superintendent of Buildings for a building permit shall conform to the dimensional limitations as detailed in Appendix I of this Decision, and shall be substantially in conformance with the schematic plans submitted to the Board at its March 17, 1998 meeting entitled "Central Square Project, *Holmes Real Estate Trust*," revised submission dated March 16, 1998 and initialed by the CDD staff.

2. The design of the building shall continue to undergo mandatory design review through the Community Development Department. The Department shall certify to the Superintendent of Buildings that the final plans submitted for a building permit are approved by the Department as to the building design and that the building is otherwise in conformance with all other requirements of this Decision. In making changes to the approved schematic plans in the process of developing final architectural plans, the permittee in its efforts, and the Community Development Department in its review role shall focus on the following, among the range of details that must receive design approval:

a. Resolution of potential conflict between the residential entry and retail activity that share the proposed forecourt.

b. Maintenance of the continuity of retail frontage throughout the many frontages of the project.

c. Design of the skylight in the courtyard to assure its appropriateness of scale and height within that limited space.

d. Exploration of possible inclusion of more trees and other vegetation within the building forecourt.

e. Careful review of the detailing of the ground floor of the building along Green Street to ensure that it is appealing to the pedestrian, of a quality equal to that found elsewhere, and that it is so designed as to mitigate, to the extent possible, the negative impacts of the bus dominated environment adjacent and the service functions of the building that are located on this facade.

f. The treatment of the retail windows on both commercial levels, with the objective that they remain unblocked, or subject to blocking or obscuring when tenants move in.

g. The detailing of the features in the forecourt, including the fence.

3. The permittee shall enter into a lease agreement with the City of Cambridge, or an agency designated by the City, at market rents on terms satisfactory to both parties, for one retail space of 2,000 square feet or less on the ground floor of the building (not including that space proposed to serve as the ground floor entry to the upper floor), which space may be subleased by the City for the purpose of encouraging or establishing start-up micro retail businesses. Should the City not wish



to enter into such an agreement, there shall be no further obligation on the part of the permittee.

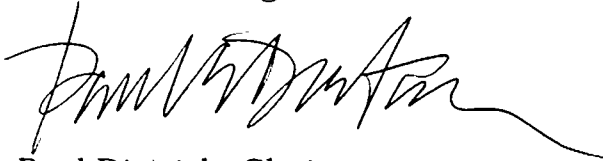
4. The permittee shall submit to the Planning Board for approval before issuance of the first building permit for the development, a transportation demand management plan, appropriate in scale and scope to this development and its physical context, which plan is encouraged to include a strong MBTA pass subsidy element. In developing such a plan, the concerns expressed with regard to persons crossing Green Street in the vicinity of the project, especially elderly and handicapped persons, shall be considered.

5. The permittee shall incorporate a work, or works, of art visually accessible to the public as constructed. The permittee is requested to seek the advice and counsel of the Cambridge Arts Council in this regard and, further, to explore ways by which the mural on the wall of the abutting property might be preserved, or documented and memorialized should its destruction be required.

6. The permittee shall retain at least five separately leased retail spaces having an area of two thousand (2,000) square feet or less on the ground floor of the building for a period of at least three years. The permittee shall construct a publicly accessible entrance on the Green Street side of the building in that area identified as "CVS" on the approved plans. Any proposal to eliminate that door shall be approved by the Planning Board.

Voting to GRANT the special permits on a motion by Scott Lewis and Alfred Cohn were: C. Mieth, S. Lewis, F. Darwin (associate member appointed by the Chair to vote in the stead of P. Dietrich who had not attended the continued public hearing), W. Tibbs, A. Cohn, and H. Russell voting to grant the permits and representing more than two thirds of the members of the Board. H. Salemme voted to deny the special permits; P. Dietrich was not eligible to vote.

For the Planning Board

A handwritten signature in black ink, appearing to read "Paul Dietrich", with a long horizontal flourish extending to the right.

Paul Dietrich, Chair

The Planning Board certifies that the decision attached hereto is a true and correct copy of its decision granting the Special Permit #133, and that a copy of this decision and all plans referred to in the decision have been filed with the Office of the City Clerk and the Planning Board. Appeal 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 decision filed with the Office of the City Clerk on April 1, 1998 by Elizabeth M. Paden, 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

Special Permit # 133

Address: 632 Massachusetts Avenue Granted 3/17/98

Business B District/Central Square Overlay District (Residence C-3 Dimensional Requirements)

	Allowed/Required		Existing		Proposed		Granted	
	Res	Comm	Res	Comm	Res	Comm	Res	Comm
Floor Area Ratio (floor area)	3	3		1.2	3.9		3.9	
	98,469			40,149 sf	81,000 sf	47,000 sf	128,000 sf	
Maximum Height	55 ft			27 ft	67 ft		67 feet	
Max Angle Above Cornice	45°			n/a	0°		0°	
Minimum Lot Size	5,000	none		32,823 sf	32,823 sf		32,823 sf	
Min Lot Area/DU	300	n/a		n/a	600		600	
Maximum # of dwelling units	109	n/a		n/a	72		72	
Minimum Lot Width	50	n/a		min 99.5 ft	min 99.5 ft	none	min.99.5 ft	none
Min Yard Setbacks		none		none				
Mass Ave front	5 ft				0	n/a	0	n/a
Barron Plaza front	5 ft				1	n/a	1	n/a
Central Sq front	5 ft				3	n/a	3	n/a
Green St front	26 ft				3		3	
side	0				0		0	
Ratio of Useable Open Space	10%			none	12%	n/a	12%	n/a
					4,000 sf		4,000 sf	
Off Street parking								
Minimum	1/DU	1/1,000*		none	80	0	80	0
Maximum								
Handicapped Spaces		4		none	4		4	
Bicycle Spaces	36			none	36		36	
Loading Spaces		2		2	2		2	