

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case No: PB#175, **Minor Amendment #1**

Address: 1-5, 7-13, and 23 East Street

Zoning: North Point Residence District and the PUD in the North Point Residence District (Section 13.70)

Owners: Archstone-Smith Operating Trust, 7670 South Chester Street, Suite 100, Englewood, CO 80112

Applicants: Charles E. Smith Residential, 2345 Crystal Drive, Suite 1100, Arlington, VA 22202

Preliminary Proposal and
Project Review Application Date: April 19, 2002

Public Hearing: May 21, 2002

Planning Board Preliminary Determination: June 4, 2002

Date of Filing Preliminary Determination: June 13, 2002

Public Hearing on Final Development Plan: July 23 2002

Final Development Plan Decision: September 10, 2002

Date of Filing of Final Development Plan Decision: September 23, 2002

Date of Minor Amendment #1: September 7, 2004

Application: Minor Amendment to extend the date of the Special Permit for one year until September 23, 2005.

Decision: GRANTED

DOCUMENTS SUBMITTED

Letter to Liza Paden, for the Planning Board, from Richard McKinnon, dated 8/24/04, requesting a one year extension for the Special Permit.

2004 SEP 22 P 4: 25
CITY CLERK
CAMBRIDGE, MASSACHUSETTS

DICUSSION and FINDINGS

At the regularly scheduled Planning Board meeting of September 7, 2004, the Planning Board discussed the request to extend the special permit. As required in Section 10.46, the Planning Board finds good cause why the approved construction has not been initiated. There are no changes to the approved plans or any other aspect of the development that would change any of the original findings made for the original special permit.

DETERMINATION

The Planning Board GRANTS the requested Minor Amendment extending the date of expiration for the Special Permit to September 23, 2005. Voting to grant the Minor Amendment were B. Shaw, H. Russell, P. Winters, W. Tibbs, L. Brown, and J. Hrabchak and K. Benjamin Associate Members appointed to replace absent Planning Board members

Respectfully Submitted,


Barbara Shaw, Chair

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on September 22, 2004, by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision.
No appeal has been filed.

DATE:
City Clerk
City of Cambridge

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION Final Development Plan

Case No: PB #175
Address: 1-5, 7-13, and 23 East Street
Zoning: North Point Residence District and the PUD in the North Point Residence District (Section 13.70)
Owners: Archstone-Smith Operating Trust, 7670 South Chester Street, Suite 100, Englewood, CO 80112
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Preliminary Proposal and Project Review Application Date: April 19, 2002

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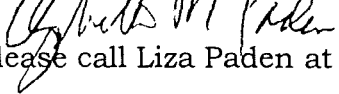
Final Development Plan Decision: September 10, 2002

Date of Filing of Final Development Plan Decision: September 20, 2002

Application: Planned Unit Development Section (13.70) and Project Review Special Permit (Section 19.20) for approximately 850,642 square feet of residential development and a small amount of retail use.

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: 
For further information concerning this decision, please call Liza Paden at 617-349-4647, TTY: 617-349-4621

CITY OF CAMBRIDGE
2002 SEP 23 P 3 12

Case No: PB #175
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Owners: Archstone-Smith Operating Trust, 7670 South Chester Street, Suite 100, Englewood, CO 80112
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Preliminary Proposal and Project Review Application Date: April 19, 2002

Public Hearing: May 21, 2002

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Date of Filing Preliminary Determination: June 13, 2002

Public Hearing on Final Development Plan: July 23 2002

Final Development Plan Decision: September 10, 2002

Date of Filing of Final Development Plan Decision: September 20, 2002

Application The application requests from the Planning Board a Planned Unit Development in the North Point Residence District Special Permit under the provisions of Section 13.70 of the Zoning Ordinance and a Project Review Special Permit under the provisions of Section 19.20.

Application Documents

1. PUD application entitled "Application for Planned Unit Development Special Permit – Development Proposal, Charles E. Smith Residential – Cambridge", dated April 12, 2002, containing the application form, narrative statement, submission requirements for a PUD application, copies of deeds and easements, Traffic Study, ownership certificate, payment of fee.
2. Project review application entitled "Application for Project Review Special Permit, Charles E. Smith Residential – Cambridge", dated April 12, 2002 containing the application form, certifications of receipt of plans, narrative statement, submission requirements for a Project Review application, traffic study, urban design objectives narrative, sewer service infrastructure narrative, water service infrastructure narrative.

3. "Traffic Impact Study/Special Permit Criteria Analysis – Proposed North point Residential Development, Cambridge Massachusetts", by Vanasse and Associates, Inc., dated March 2002.

4. Plans and drawings entitled " Application for Planned Unit Development Special Permit (Development Proposal) and Project Review Special Permit, Plans and Drawings, Charles E. Smith Residential – Cambridge", by ADD Inc., dated April 12, 2002, various scales, showing building and site plans, utilities, circulation, photographs, elevations, landscaping.

5. PUD application entitled "Application for Planned Unit Development Special Permit – Final Development Plan and Supplement to Application for Project Review Special Permit, Charles E. Smith Residential – Cambridge ", dated July 17, 2002, containing the application form, narrative statement, submission requirements for a PUD application, narrative responses to the Planning Board Development Proposal Determination. Plans and drawings entitled " Charles E. Smith Residential – Cambridge", by ADD Inc., dated July 17, 2002, showing revised plans and plan and architectural refinements, landscaping and open space treatments, photo montages. Certified complete on July 18, 2002

Other Application Documents

6. "Draft Environmental Impact Report, EOE No. 12,651, Technical Appendix, Charles E. Smith Residential – Cambridge", Vanasse and Associates, Inc., dated April 30, 2002.

7. "Executive Summary, Charles E. Smith Residential – Cambridge", dated May 6, 2002

8. Supplemental plans, elevations, and photographs entitled "Charles E. Smith Residential – Cambridge", dated May 21, 2002.

9. "Summary of Transportation Presentation, Planning Board Meeting, Project Review And Planned Unit Review – Special Permit, City of Cambridge", by Vanasse and Associates, Inc., dated May 21, 2002.

10. Census information on housing and voting in East Cambridge dated July 23, 2002.

11. Letter to the Planning Board from Adam Hundley, dated August 6, 2002, by FAX, re: Grant of extension of time for consideration of the application.

12. Memo to the Planning Board from Catherine Preston, dated August 13, 2002 re: Transportation Planning in Cambridge.

13. "Supplement to Application for Planned Unit Development Special Permit – Final Development Plan and Supplement to Application for Project Review Special Permit, Charles E. Smith Residential – Cambridge ", dated August 16, 2002, further explanatory material, pictures of traffic queues, traffic plans and pedestrian

circulation, drawings of roof line of the West Building, plan showing elements to be completed in Phase One of the project.

14. "Second Supplement to Application for Planned Unit Development Special Permit – Final Development Plan and Supplement to Application for Project Review Special Permit, Charles E. Smith Residential – Cambridge ", dated August 23, 2002, showing alterations to the upper elevations of the East Tower.

15. Letter to Catherine Preston from Scott W. Thornton, P.E. of Vanasse and Associates, Inc., dated July 2, 2002, re: Transportation Demand Management Measures, Proposed Charles E. Smith Residential Development.

16. Model photograph, timeline map of pedestrian circulation by Add Inc. and Vanasse and Associates, Inc. for Charles E. Smith Residential – Cambridge, dated September 3, 2002.

Other Documents

17. Letter to Daryl A. South from Sharon M. Pelosi dated September 6, 2001, with attachment, re: Chapter 91 applicability.

18. Letter to Larissa Brown from Richard McKinnon dated September 10, 2001 re: proponent issues with regard to North Point zoning.

19. "Environmental Notification Form: North Point Residential Development, Cambridge, Massachusetts", dated November 29, 2001, by Charles E. Smith Residential, a division of Archstone-Smith.

20. Preliminary plans and elevations by Add Inc. dated December 18, 2001.

21. Letter to LeAndrea Dames, MEPA Analyst from Stash Horowitz dated January 15, 2002, with attachments, re: comments on ENF, North Point Residential, EOE A #12651.

22. Letter to Thomas Anninger from Barbara Broussard dated February 19, 2002 re: East Cambridge Planning Team comments on on-going planning for the C.E. Smith site.

23. Letter to Scott Thornton from Susan Clippinger, dated April 3, 2002, re: certification of completeness of the Traffic Study.

24. Memo to the Planning Board from Susan Clippinger dated May 15, 2002, with Traffic Study attachment, re: suggested transportation mitigation measures for the project.

25. Memo to the Planning Board from Steve Kaiser facsimile dated May 16, 2002 re: Comments of application.

26. Letter to the Planning Board from Catherine L. Burns dated May 20, 2002 re: Concerns of Museum Towers and Efeckta Schools, Inc.

27. Letter to the Planning Board from Edward F. Carye dated May 21, 2002 re: Altid Enterprises, LLC support for the project.

28. Maps and charts from the Mystic View Task Force dated May 21, 2002, re: new projects and traffic generated in the Route 28 corridor.

29. Memo to the Planning Board from John Moot dated May 21, 2002 re: Draft EIR #12651.

30. Document entitled "Planning the Unsustainable Metropolis: California Edge Cities" by Patrick S. McGovern submitted to the Planning Board on May 21, 2002 by Elie Yarden.

31. Letter to Secretary Bob Durand from Steve Kaiser dated June 4, 2002, with Alewife Flood Plain attachments) re: Draft environmental impact reports for North Point projects.

32. Letter to Planning Board from Catherine L. Burns dated June 4, 2002, with attachments, re: comments from owners of Museum Towers and Efectka Schools, Inc.

33. Letter to Thomas Anninger from Renata von Tscharnner dated June 7, 2002 re: Requiring C.E. Smith to help maintain Charles River parks.

34. Map of Lechmere Green Line path from Steve Kaiser dated May 21, 2002 showing underground option.

35. Letter to Thomas Anninger from John Moot, dated June 12, 2002, with attachments, re: Comments on DEIRs - North Point EOE A #12650 and 12651.

36. Letter to the Planning Board from Thomas J. Philips dated June 14, 2002 re: traffic implications of C. E. Smith traffic for Graves Landing.

37. Letter to the Planning Board and the City Council from Allen Mintz dated July 1, 2002 re: traffic in the vicinity of the C.E. Smith development.

38. Memo to Thomas Anninger from Cassandra Koultaldis dated July 18, 2002 re: Water utility planning and discussions.

39. Memo to Thomas Anninger from Catherine Daly Woodbury dated July 23, 2002 re: Sewer utility planning and discussions.

40. Article entitled "Urban Cores" by Victor Gruen submitted by Elie Yarden on July 23, 2002.

41. Letter to Lester Barber from Jason Schrieber, dated August 20, 2002, re: C.E. Smith Decision language on transportation mitigation.

41. Letter to the Planning Board from Kevin P. Joyce dated September 3, 2002 re: traffic impact of project on Graves Landing.

42. Letter to the Planning Board from Rich McKinnon, representative of the applicant, dated September 3, 2002 granting an extension for consideration of the permit until October 1, 2002.

43. Facsimile from Catherine Daly Woodbury, Public Works Department, to Rich McKinnon re: DPW conditions for utility construction.

Findings

After review of the application documents and other documents submitted to the Board, testimony taken at the two public hearings, and review and consideration of the Project Review Special Permit criteria, Planned Unit Development in the North Point Residence District criteria and requirements, and the general special permit criteria, the Board makes the following findings. In addition the Planning Board is in substantial agreement with the permittee's findings with regard to conformance to the various criteria for granting a Planned Unit Development Special Permit in the North Point Residence District and a Project Review Special Permit as presented in the two application documents.

1. Conformance with Traffic Impact Findings required in Section 19.25.1

Based on the findings of the Traffic Study and the mitigation measures to be required as a condition of this Permit, the Planning Board finds that the project will have no substantial adverse impact on city traffic within the study area.

2. Conformance with Urban Design Findings required in Section 19.25.2 (reference to Section 19.30 – Citywide Urban Design Objectives)

- *Responsive to the existing or the anticipated pattern of development.*

Existing development in North Point in the form of industrial and warehousing uses and abandoned railroad activities, with limited retail and office operations, is anticipated to be replaced over time with a wide range of higher density residential, office, research and development and retail uses in the form of a new neighborhood of public streets and parks. The future form of that neighborhood is suggested in the details of the requirements of Section 13.70 of the Zoning Ordinance and the provisions of the *Eastern Cambridge Design Guidelines*. The revised Final Development Plan as amended, referenced above, is consistent with both the requirements of Section 13.70 and its spirit as well as with the guidance for new development provided in the *Guidelines*: The subject project is almost entirely residential, it creates two new streets that will in time interconnect with new streets anticipated on abutting property, there is a significant element of publicly accessible open space, and the buildings' form and layout on the site anticipate the scale, location and use pattern of future building on directly abutting properties.

Recent residential and office development in North Point to the east of the Gilmore Bridge set a precedent for residential development in tall towers. Section 13.70 of the Zoning Ordinance and the *Eastern Cambridge Design Guidelines* have reflected that precedent in their provisions. The development has acknowledged the presence of the Museum Towers structures in the location and design of the East Building of the project.

The elements of the Final Development Plan have also responded well to the fixed elements of the development's context: Pedestrian access to and use of the Gilmore Bridge will be significantly enhanced. The project will contribute to the provision of a pathway under the Gilmore Bridge that will connect the system of bike and pedestrian paths on the project site with the Charles River waterfront and the new park being created there. The entire project has been designed to relate well to the MBTA viaduct and to minimize its negative visual impact while making the land under it attractive and useful as a landscaped pedestrian and bicycle corridor.

- *Pedestrian and bicycle friendly development.*

Extensive provision has been made for pedestrian and bike circulation throughout the development for both future residents and the general public. Connections are made to the Gilmore Bridge and along O'Brien Highway and anticipated desire lines connecting with future development on the adjacent Guilford properties and the relocated Green Line MBTA train station.

Two new streets will be created out of the Development Parcel, each of which is designed to accommodate not only vehicular traffic but pedestrians and bicyclists as well. With the provision of parking below grade, active building functions have been brought down to the ground abutting the streets and the parks; the lower portions of those buildings' facades have been designed to provide attractive backdrops to the anticipated activity occurring in the publicly accessible portions of the project, on the new streets and in the new parks.

A public, open pedestrian connection has been made in the low wing of the West Building permitting the general public to pass through from the new south park to the anticipated new park to be created to the north as part of the Guilford development.

In addition to being made more accessible by aspects of the development, the sidewalk on the Gilmore Bridge will be much enhanced through significant widening and by the provision of significant landscaping. Much of its length abutting the C.E. Smith Development will be more accommodating to pedestrians and bicyclists because of these improvements.

- *Building and site design mitigate adverse environmental impacts of a development upon its neighbors.*

Existing development, while much less dense than the proposed project, weighs heavily on this site. In part redevelopment of this site mitigates negative aspects of the site's current conditions.

Undistinguished industrial buildings cover much of the site. The activities within those buildings are accessed exclusively by cars and trucks over gravel or roughly paved, undifferentiated service and access areas with no provision made for safe access on foot or by bicycle. No open space is provided: This large site is only steps away from light rail transit service (Lechmere Station), on the anticipated path of the urban ring transportation improvements, and within reasonable walking distance of a fixed rail transit station (Orange Line). It is within three miles of the commercial center of the metropolitan area. Yet the site is currently devoted for the most part to low density secondary retail and industrial uses that from an economic, social as well as environmental point of view deprive Cambridge and the metropolitan area of a much more productive and attractive use of this site.

In the future significant new open space (24% of the site) will be provided, accessible to the public and a part of a larger system of public and private open space that will make the entire North Point district and its Charles River waterfront an open space resource for the metropolitan area. New residents who can make use of the available transit will begin to solidify a new residential neighborhood that was only tentatively established with the construction of Museum Towers. The first significant public infrastructure to the west of the Gilmore Bridge will be installed, which will improve the water and sewer service to this and other sites in North Point and open the opportunity for improved stormwater management. The first real roads west of the Bridge will also be installed and will establish the beginnings of a publicly accessible system of interconnected roadways throughout North Point.

With the demolition of structures currently on the site, and through the project's design, the MBTA viaduct will be significantly enhanced and will be much less a negative aspect of the area's environment. Visual access under the viaduct will be opened up to a new landscaped park that will be presented to view for all traveling along the O'Brien Highway transportation corridor (and on the T trains themselves). The underside of the viaduct will be landscaped and provided with paths for walkers and bikers.

The significantly increased density that the project envisions will be arranged on the site to minimize the impact of its much greater and more visible bulk. As directed by the relevant zoning, the greatest heights will be at the eastern edge of the site where they will complement the similar heights of the two Museum Towers buildings. While visible from great distances, the details of the tallest buildings have been crafted so that they

are positive additions to the city skyline while also accessible and attractive when approached by foot.

The traditional residential neighborhood of East Cambridge is some blocks away from the site and separated by the multi-lane O'Brien Highway. Nevertheless, the lower, eight story portion of the development has been placed on the western half of the site closest to that neighborhood.

The housing at Graves Landing lies directly across O'Brien Highway from the site. From that direction, the scale of the East Building and the taller portion of the West Building is substantially compensated for by the extensive improvements at ground level abutting and underneath the T viaduct. Furthermore, from a visual perspective, most units at Graves Landing are principally oriented southward to Lechmere Canal Park so that the most important views of residents in their own homes are generally not unduly impacted by the scale of the proposed development.

With regard to access to the development, the site design has built in multiple paths, open to the public, that enable people to move through the site to the surrounding neighborhood and beyond whether traveling on foot, by bike or in a vehicle.

- *Impact on the City of Cambridge infrastructure, including neighborhood roads, city water supply system and sewer*

City water, sewer and stormwater management systems do not currently reach into North Point. The proponent and the abutting Guilford development team will be responsible for installation of the water, sewer, and stormwater management systems necessary on site to support their respective developments. Such systems shall be designed to city standards. An integrated system of roadways on site will likewise be constructed by the proponents to city specifications. Off site improvements by the proponents will be required where they are a prerequisite to the functioning of any on-site improvements. With the installation of necessary on-site and off-site improvements the development will not impose any unreasonable negative impact on existing city infrastructure services.

This development is only a small portion of what will be a complete transformation of the North Point district in the next two decades. This development has been designed as a first phase of that larger transformation and will benefit from and be an integral part of future improvements as they occur on adjacent sites.

- *New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.*

This development is a first phase in the multi-decade creation of a new urban environment out of a marginal and declining warehouse and railroad district. The transportation and industrial functions that were established

and thrived in North Point in the 19th and 20th centuries are now anachronisms. They have either been abandoned or now function as holdovers that will be replaced with different activities and functions more appropriate to the new economy of the 21st century and the new needs of a transformed Cambridge and metropolitan area.

In the adoption of the zoning regulations applicable in North Point in 2001, the adoption at the same time of the *Eastern Cambridge Design Guidelines*, and with the publication of the *Eastern Cambridge Planning Study*, the city has established a clear blueprint for the character of future building in North Point generally, and on the C.E. Smith parcel in particular. The East Cambridge neighborhood and other much cherished neighborhoods and places in Cambridge were used as inspiration for the requirements and guidelines established for North Point that the city believes will produce a new and engaging, urban and active mixed use neighborhood in the current century in North Point that will add a new dimension to the city's historical development.

As set forth extensively in these Findings, it is the Planning Board's view that the development, as presented in the documents referenced in this Decision, will initiate the long process that will create a new contemporary urban environment unique in Cambridge but complementary to and inspired by the historical development of both East Cambridge and the city's many other neighborhoods.

- *Expansion of housing inventory.*

The development is almost entirely housing, in a wide range of unit sizes with, in addition, only small but important amounts of retail and other activities and the existing 60,000 square foot Maple Leaf office building. A significant number of affordable units will be provided consistent with the requirements of Section 11.200 of the Zoning Ordinance.

- *Open space enhancement and expansion.*

The development will produce a significant amount of publicly accessible open space that will enhance the environment for the residents living there, for East Cambridge residents living nearby, and for the general public who can be expected to increasingly visit North Point as it becomes a new urban place and to make use of the soon to be improved lower Charles River Basin waterfront. The open space has been carefully designed to provide a wide range of amenities for all ages and for both the general public and the future project's residents.

3. Conformance to the requirements for approval of the Final Development Plan, Section 12.36.4 (and by reference to Section 12.35.3).

- *The project conforms to the General Development Controls set forth in Section 12.50.*

a. Conformance to existing policy plans

As indicated throughout these Findings and in Paragraphs 5 and 6 below, the Planning Board concludes that the development is consistent with the *Eastern Cambridge Development Guidelines* and the *Eastern Cambridge Planning Study*.

b. Minimum Development Parcel size

The Development Parcel Size of 247,431 square feet exceeds the minimum parcel size required of 100,000 square feet as set forth in Section 13.70.

c. Standards for Construction of Roadways

The Department of Traffic, Parking and Transportation shall approve the design and construction details of all streets and ways, consistent with the details of streets suggested in the Final Development Plan, as amended.

d. Standards for Construction of Utilities and Public Works

The Department of Public Works and the Water Department shall be required as a condition of this Decision, to approve all water and sewer infrastructure construction and stormwater management systems as if such improvements were occurring within public rights-of-way.

e. Landscaping

All portions of the site not devoted to roadways and buildings will be suitably landscaped.

f. Environmental Performance Standards

All applicable environmental regulations shall be met. Conformance to the requirements of the City Noise Ordinance shall be a specific requirement of this Decision.

- *The project conforms to the specific Development Controls set forth in Section 13.70.*

The development conforms to all requirements of the PUD in the North Point Residence District as set forth in Paragraph 4 below.

- *The Final Development Plan provides benefits to the city which outweigh its adverse effects. In making this determination the Planning Board shall consider the following:*

The Planning Board reiterates the findings made when approving the Preliminary Development Plan:

- a. The quality of the site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public.

The buildings are to be occupied in large part by residential uses, the use most favored in the recently adopted North Point PUD-6 district. The ECAPS planning process, which resulted in adoption of the zoning that now regulates development on the site, examined these issues in detail as they apply to the North Point area. The very detailed zoning provisions that were adopted as a result of that planning effort were crafted to ensure that these considerations would be adequately addressed in any development shaped by them. The current design conforms to the specific technical requirements of the zoning and also advances the spirit of that planning effort in the building and site plan's details.

- b. The quality of the site design, including integration of a variety of land uses, building types, and densities; preservation of natural features;

Residential is the preferred use in North Point (as reflected in the provisions of the new zoning) because of its beneficial, lower peak hour traffic implications when compared to office or retail activity, among other reasons. The density ultimately allowed in North Point was chosen to ensure that the transportation constraints of this general area would be respected. With adequate mitigation, anticipated traffic flow and vehicular and pedestrian safety will be accommodated adequately.

- c. Adequacy of utilities and other public works.

The permittee, partly in concert with adjacent property owners, will be responsible for installation of all utility and roadway infrastructure on the site and will be required by the city to make necessary adjustments to public infrastructure off-site in conformance with city standards to ensure that the development can be accommodated without unacceptable negative impacts.

- d. Impact on existing public facilities within the city.

The Planning Board finds no reason to expect that any wider impact on public facilities will be unreasonable or unacceptable.

- e. Potential fiscal impacts.

The development is expected to have a positive fiscal impact.

4. Conformance to the dimensional and use limitations and other provisions of the PUD in the North Point Residence District, Section 13.70 of the Zoning Ordinance

- *Floor Area Ratio, Section 13.74.12.*

As the project is at least 90% housing, an FAR of 2.9 applies before the application of the bonuses granted in Section 11.200. The project conforms to this maximum FAR permitted.

- *Minimum Development Parcel Size, Section 13.74.2.*

The Development Parcel exceeds the 100,000 square foot minimum required.

- *Maximum Building Height, Section 13.74.3.*

The buildings observe the maximum building heights of 85 feet, 150 feet and 220 feet as set forth in the Ordinance and as modified by the provisions of Section 13.74.35.

- *Waiver of Height Limitations, Section 13.74.35.*

The Final Development Plan has employed the provisions of this Section, which permit the extension of the 120 foot and 150 foot height bands by a distance not to exceed 100 feet. As presented, the heights of the two buildings conform to the limitations imposed in Section 13.74.35. The additional height granted at the eastern end of the Development Parcel is well removed from the East Cambridge neighborhood that lies well beyond the western half of the Development Parcel, where development is limited to eight stories in height. The additional height permits less of the Development Parcel to be covered by buildings and more of its area to be devoted to open space. As the siting of buildings on the Development Parcel is constrained by the presence of the MBTA viaduct, it is not possible to place buildings at locations along O'Brien Highway or to have extensive portions of facades placed close to the viaduct. The additional height allows most portions of buildings to be set well back from the viaduct both at its current location and its anticipated future location and permits the portions of the lot not covered with buildings to be developed to open space and a roadway network that benefit both the future residents of the development and residents of the city as a whole. The additional height also permits a more modulated and coordinated arrangement of building height on the skyline.

- *Open Space, Section 13.75.*

Twenty-four percent of the Development Parcel is devoted to Green Area and Permeable Open Space, exceeding the minimum requirement of twenty

percent. The project will continue to conform to this requirement in the future as roadway extensions and realignments are made with the development of the adjacent Guilford parcel. The open space is well located to serve the needs of future residents of the building and to be accessible and useful to the general public. The arrangement of open space will particularly enhance the environment near and beneath the MBTA viaduct to the benefit of the city as a whole.

- *Roadway Plan, Section 13.77*

The Planning Board finds that the layout of roads on the Parcel adequately serves the needs of the development itself while providing the initial phase of an integrated and comprehensive circulation system for the entire North Point district. As indicated in Finding 1 above, the traffic generated by the authorized development is reasonable and will be addressed by the required mitigation measures. The location of the development close to the MBTA Green Line station (anticipated to be closer still when it is relocated in the future) and close to employment, shopping, and recreational services accessible by foot or other non auto means of transportation will encourage the use of non-auto forms of transportation to and from this site.

- *Perimeter and Transition Requirement, Section 13.78.2*

The project does not front on public open space, existing or proposed. The open space provided, while accessible to the general public, will remain private. However, that open space and the buildings adjacent to it have been designed to complement and harmonize with each other in the spirit of the *Guidelines*: private terraces will buffer and separate individual-unit private open spaces from those spaces more accessible to the public; thus individual living space will be separated from the impact of activity on adjacent streets and parks. Large terraces and plazas will be provided at the base of the two taller buildings and the details of those buildings at their lower floors will make the spaces around them inviting and active for pedestrians in general and residents in particular.

- *Traffic Mitigation Measures, Section 13.78.3*

The Board finds that the mitigation measures required in Condition #4 below adequately address the impacts of the authorized development. The vehicular traffic generated by the development is generally well below the threshold criteria established by the Planning Board for identifying critical negative impact on city streets. The failures identified are generally the existing, problematic conditions for pedestrians in the O'Brien Highway corridor. The project will implement significant improvements to upgrade the existing pedestrian environment.

- *Relationship to the MBTA Urban Ring, Section 13.78.4*

The authorized development will be consistent with all phases and options for creation of the Urban Ring through North Point. Most accommodation to the requirements of the Urban Ring will occur on the larger development anticipated on the Guilford properties.

5. Consistency with the *Eastern Cambridge Planning Study*

The recently adopted zoning at North Point reflects the goals and objectives of, and was specifically shaped by the two-year planning effort that is set out in the *Eastern Cambridge Planning Study*. The study anticipates that North Point will be developed as a relatively high density, mixed use environment where housing in a variety of forms will dominate while retail and office uses will play a lesser role. That development, because of North Point's unique circumstances, will be predominantly residential with a significant portion of its development in tall residential towers, as anticipated by the *Study* at locations adjacent to the Gilmore Bridge.

While the density and building forms anticipated in North Point were not expected to mirror the fine grain and low scale of development in the traditional East Cambridge neighborhood, the neighborhood pattern of development was inspiration for the *Study's* insistence that development in North Point create a series of pedestrian friendly streets and ways with buildings scaled to make those streets inviting for pedestrian, bicyclists and those driving in cars. As described throughout this Decision and in the application documents, that objective has been a central premise of the project as it has been designed for this specific Development Parcel.

While open space amenities have been amply provided in this project, the large public open space anticipated in the *Study* will occur on the adjacent Guildford parcel.

As measured against the *Study's* Vision Statement, articulated in six enumerated goals, the Planning Board finds that the this project measures up well:

- The project will vastly improve the quality and character of the urban environment on the site and will create the first phase of a completely new residential neighborhood west of the Gilmore Bridge that will be accessible, attractive and useful even to those residents of the city who will not live there.
- The project will substantially expand the range of housing opportunities, provide a substantial addition to the city's inventory of affordable units, and provide a wide range of unit sizes and orientations.
- The project addresses the residential needs of the city; it does not address the need for small and start-up business enterprises except to the extent that a new population base will be established to support retail and consumer services nearby and provide an additional labor pool from which employees can be drawn.
- By virtue of its location, residents of the project have the opportunity to forgo the use of their automobile for many daily work-related or leisure-related trips. This project in combination with the adjacent Guilford development will create an entirely new neighborhood, at a prime in-town location, that offers a real

possibility for convenient urban living where essential services and amenities are easily accessible by foot, transit, bus or bicycle.

- The development will produce substantial urban open space amenities on a site currently devoid of any. From a tot lot to urban plazas to contemplative gardens, the wide range of open spaces will be provided to the general public as well as to the residents of the new housing. The bike and walkways contemplated will also provide convenient access to future open space amenities along the Charles River waterfront and in the abutting Guilford development.
- When viewed within the context of the entire North Point district, this development follows Museum Towers, The EF Building and the MDC riverfront park as a second, substantial stage in the creation of a new mixed use, but primarily residential neighborhood. As this project (and the subsequent Guilford project) unfolds, a new system of pedestrian, bicycle and vehicular pathways will begin to connect North Point and the river to the rest of East Cambridge and make North Point a destination for Cambridge and metropolitan residents. A new environment with open space, recreational, and urban amenities will be established in an area that is barren now and a destination only for those who have commercial business there.

6. Consistency with the Eastern Cambridge Design Guidelines

The guidelines presented the *Eastern Cambridge Design Guidelines* are intended to assist the Board in evaluating the merits of a building or master plan proposal in North Point. The guidelines are not requirements and no proposal will perfectly match all physical attributes described in the guidelines. However, it is the Board's finding that on balance the Charles E. Smith proposal is consistent with the guidelines both in spirit and in many specific details. Where the proposal may vary from the specific suggestions made in a guideline statement, the Board finds that the variation is reasonable in the specific context within which the development is being proposed and is far outweighed by those aspects of the proposal that are in accord with the intent of the guidelines.

Goals. The *Guidelines* establish a number of goals for development in North Point: *Creation of a lively new mixed-use district, strong visual and pedestrian connections to East Cambridge, creation of a new east-west main street, extension of First Street into North Point, creation of a major new public park, and a new retail cluster at the relocated Lechmere T station and at First Street.*

- The Charles E. Smith project will contribute a substantial component of housing to the new neighborhood at North Point and will provide open space amenities and circulation connections to the larger adjacent Guilford development. However, it is on the Guilford properties that fulfillment of these larger goals will be achieved most comprehensively.

Built Form – Street Level Uses and Design. The *Guidelines* establish a number of standards: *Low rise buildings as well as portions of the tower buildings should provide*

terraced small setbacks, front gardens and individual entries to the parks or street; blank wall should be avoided at street and park frontages.

- Buildings are designed with individual units and front doors facing the street, including on the lower level of the tower buildings. Doors are regularly spaced along the frontage of the low rise wing of the West Building with at least three lobby entries serving that portion of the building. A single main entry is provided for each of the tower elements in the development with secondary entrances to access individual units along portions of the ground floor, the retail space and the adjacent parks.
- Much effort has been expended to design attractive and varied walls with extensive amounts of glass on all facades of the buildings.

Built Form – Building Height and Orientation. The *Guidelines* establish a number of standards: *Along major public streets set back any portion of the building above 65 feet by at least 10 feet; discourage driveway and vehicle drop-off facilities on main street; locate loading docks on side streets; orient residential courtyards to the south; in use, design, and entry, orient buildings towards corners.*

The low-rise portion of the west building has its upper two floors set back. The bases of the two towers are articulated and modulated to provide a better scaled building at the ground. The project creates two new streets that will be an integral and active segment in the larger North Point circulation system. Those streets and the building elements that front on them have been designed so as to establish the beginnings of a truly urban network of roadways and pathways for the neighborhood. Provision has been made for modest pullouts near the entries to the two towers, but they are well designed, not inconsistent with the street as an urban place and reasonable given the number of residents who will be living in the buildings. Vehicular entry to the garage along with a set of loading bays is provided off a transportation courtyard between the East Tower and the existing Maple Leaf office building. These necessary functions are located in the least prominent location on the site and are well designed. Two other loading facilities are located within the West Building. The Board encourages continuing work to minimize their impact on the new “North Street” that will be complemented in the future by parks and housing on the Guilford side of the street. The most prominent corner created by the two buildings, at the far west end of the West Building facing what will be the relocated T station, has been carefully redesigned to facilitate an easy access for residents of the building to that future station.

Built Form – Scale and Massing. The *Guidelines* establish a number of standards: *Block sizes similar to East Cambridge block; avoid continuous massing longer than 100 feet facing residential streets but if greater it should be made permeable and visibly articulated as several smaller masses; buildings should reflect a rhythm and variation appropriate to the urban context; buildings should have a clearly expressed base, middle, and top, create interesting and varied rooflines, express the tops of buildings, emphasize corners, articulate taller buildings to avoid a monolithic appearance.*

Great care has been taken to articulate and modulate the buildings at all levels so that they are interesting and friendly at both close range and as viewed from a distance. The Board finds that the fundamentals of these two buildings are consistent with the guidelines. The long range of the West Building has been carefully articulated and modulated to reduce the visual impact of its length; furthermore, in a successful response to Board concerns, the petitioner has provided for a substantial break in the building at its lower floors to permit the public and residents alike to pass through unimpeded from one side to the other.

Built Form – Architectural Character: The *Guidelines* establish a number of standards: *Create varied architecture and avoid flat facades, maximize the number of windows facing public streets.*

The designs as they have advanced are fully consistent with these guidelines.

Built Form - Environmental Guidelines: The *Guidelines* establish a number of standards:
Use natural and energy resources efficiently in construction, maintenance, and long-term operation, allow buildings on adjacent lots to do the same, employ LEEDs certification standards where possible, site and shield rooftop mechanical equipment to protect neighboring uses from noise impacts.

By virtue of its location the development advances the environmental objectives of the LEEDs program by presenting the opportunity to future residents of living their daily lives free from complete or even substantial dependence on the automobile.

Built Form – Parking: The *Guidelines* establish a number of standards:
Underground parking is preferable, locate vehicular parking entrances on side streets, provide safe pedestrian access from public streets, provide direct pedestrian access to the street.

All parking is provided completely underground and the single entry to that parking is located in the least obtrusive portion of the Development Parcel.

Public Realm - North Point. The *Guidelines* establish a number of standards for North Point as a whole: *Create a major new park convenient to the T; create a series of smaller open spaces such as courtyards, parks, playgrounds and gardens along the central main street; create semi-private open spaces (front and rear yards, porches, stoops, and patios) to create a transition from public sidewalks and courts to private interior spaces; design residential courtyards to be visually accessible from streets to enhance safety and activity along the street.*

Many of these guidelines will be more completely met with development on the Guilford development parcel. As indicated elsewhere, this project has provided substantial open space accessible to the public and located so that it enhances both the private living space of the residents and the public realm through which all residents of Cambridge will pass when visiting this site or visiting parks along the Charles River or within the Guilford development.

Public Realm - Streets and Sidewalks: *Use streetscape elements such as trees, benches, signage, and lighting to support active pedestrian uses; design streets to encourage pedestrian and cycle activity, and to control vehicle speed; where appropriate, establish, preserve and highlight views from public streets and spaces to important civic landmarks; provide sufficient pavement width to accommodate on-street parking; provide pedestrian-scale lighting to enhance pedestrian safety.*

The streets have been designed to be urban in nature, well outfitted with appropriate street furniture and amenities, and capable of being integrated into a larger transportation system as adjacent properties are redeveloped.

Public Realm - Connections. *The Guidelines establish a number of standards: Provide safe pedestrian and bicycle connections to future regional pathways; provide strong pedestrian, bicycle and visual connections to the Charles River and public parks; provide safe pedestrian and bicycle connections to existing and new bus stops and to transit stations including Kendall Square, Lechmere, Community College and North Station MBTA stations; provide new pedestrian crossings along O'Brien Highway; provide for improved pedestrian and bicycle connections to and from the Orange Line T station.*

With the pathway to be constructed beneath the Gilmore Bridge and significant enhancement of the sidewalks along that Bridge, this development significantly improves the future access to the bike, open space, walking and other pathways that will characterize North Point as planned improvements are realized in the years ahead.

Public Realm - Transportation. *The Guidelines establish a number of standards: Preserve rights of way for future the Urban Ring project, provide pedestrian crossings/phases at all major intersections, provide bicycle lanes on major streets, provide sheltered bicycle racks in multi-family residential buildings.*

The development in its many facets makes its reasonable contribution to the creation and enhancement of a multi-functional transportation system for the future North Point.

7. Conformance to the general criteria for the issuance of special permits contained in Section 10.40 of the Zoning Ordinance

A special permit will normally be granted where specific provisions of this Ordinance are met, except where the particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting such permit to be to the detriment of the public interest because of the following.

a. The requirements of the Ordinance cannot be met.

All requirements of the applicable provisions of the Zoning Ordinance will be met.

b. Traffic generated or patterns of access and egress will cause congestion, hazard, or substantial change in established neighborhood character.

The detailed traffic analysis indicates that vehicular traffic generated by the development will not be unreasonable and will not cause congestion or hazard or substantial change from that currently present. The Board recognizes the current heavy traffic load and congested intersections already present along O'Brien Highway, but this project will not unreasonably worsen those circumstances. Furthermore, the project will undertake mitigation measures that will have positive impacts, particularly for pedestrians negotiating passage through this area. The immediate neighborhood character is highly impacted by traffic currently, but the proposal will not significantly alter that circumstance.

c. The continued operation of or development of adjacent uses as permitted in the Zoning Ordinance will be adversely affected by the nature of the proposed use.

The proposal has been carefully designed to integrate well with existing and future development in North Point. The uses and improvements reinforce the tentative beginnings undertaken by Museum Towers, EF Building and the Charles River waterfront park to establish a functioning city neighborhood in North Point. Each of those developments will benefit from the conversion of a marginal industrial area to a new residential neighborhood. Commercial and residential development across O'Brien Highway in the East Cambridge Waterfront district will also benefit from the conversion of an industrial area, heavily dependent on truck traffic, to a new residential community with enhanced access to park and waterfront amenities not now present.

d. Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City.

No nuisance or hazard will be created.

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 development will not impair the integrity of the North Point zoning districts or that of adjacent zoning districts. In fact the development fully meets the intent of those districts to reshape an industrial area into a new mixed-use residential neighborhood in Cambridge.

Decision

Based on a review of the application documents, comments made at the public hearing, and based on the above findings, the Planning Board **GRANTS** the requested Special Permit relief subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in substantial conformance with the plans and application documents submitted to the Planning Board as referenced above: Document # 5, Final Development Plan, July 17, 2002 as further modified by Document #13, August 16, 2002, Supplement to the Final Development Plan Documents, and Document #14, Second Supplement to the Final Development Plan Documents, August 23, 2002. Appendix I summarizes the dimensional features of the Project as approved.

2. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for the project, the CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Decision. As part of the CDD's administrative design review of the project and prior to any certification to the Superintendent of Buildings, the Department shall present to the Planning Board for its review subsequent to this approval the progress on the design of either building and any associated site plan improvements. It is expected that the Department will make such a presentation to the Board as the choices of building and site details and materials are being finalized and on a second occasion when the Building Permit set of plans nears completion.

3. The following uses shall be permitted: Any Office and Laboratory Use, Section 4.34; Store for retail sale of merchandise, Section 4.35.a (1) and (2); Eating and drinking establishment, Sections 4.35.e,f, and g; any residential use permitted in Section 16.21.1.

The aggregate Gross Floor Area of all permitted non-residential uses shall not in the exceed 71,755 square feet (i.e. 10% of authorized GFA) of Gross Floor Area.

Distribution and location of the permitted non-residential uses shall within the development shall be as generally set forth in the application documents, unless otherwise permitted by the Planning Board as a Minor Amendment to the permit.

4. The permittee shall be required to implement the following traffic mitigation measures, as detailed in the above referenced Document #15 to Catherine Preston dated July 2, 2002. Any approval required below must be secured from both the Traffic, Parking and Transportation Department and the Community Development Department.

a. Implementation of the following Transportation Demand Management Measures shall be implemented by the Permittee:

(i) Annual monitoring of mode split for all trips; biennial garage driveway counts; biennial counts of parking space utilization; a detailed survey of

a selected portion of the residents with regard to their pattern of non-work trips. All surveys and counts shall be designed and conducted in a manner approved by the Departments. Approval of the form of any survey instrument or monitoring method shall be required before issuance of the first Certificate of Occupancy for the first-phase East Building.

Monitoring and surveying shall begin when occupancy of the first building has reached ninety (90)% or within one year of the date of the issuance of the first Certificate of Occupancy, whichever is sooner. If the Certificate of Occupancy is issued between September 1 and February 29, the monitoring shall take place during subsequent September or October and be reported to the city no later than November 30. If the Certificate of Occupancy is issued between March 1 and August 31, monitoring shall take place during subsequent April or May and be reported to the City no later than June 30.

- (ii) The permittee shall present a program to the Departments for review and approval, and will subsequently implement, that will: (1) permit residents to forgo parking privileges in the parking garage and have that choice reflected in a downward adjustment to their rent, and (2) require increased fees for residents choosing more than one space per unit. The permittee shall report to the Departments annually on the operation of the program;
- (iii) The permittee and any subsequent owner of the development shall become a member of the Charles River TMA, or its successor, if any;
- (iv) The permittee and any subsequent owner shall provide and assign three or more parking space in the garage for the exclusive use of ZipCar (or any other entity providing an equivalent service) at a reduced rate;
- (v) The permittee shall provide a sufficient number of conveniently located and secure bicycle parking spaces, but in no case less than the number required in the Zoning Ordinance, meeting the design standards set forth in Section 6.49 of the Zoning Ordinance. The Permittee shall also sponsor an annual bicycle tune-up day;
- (vi) A free transit pass, for a period of one month, shall be provided to each adult member of a new household, but in any case not to exceed two passes, for the first month after the household has taken occupancy.
- (vii) The proponent shall ensure that peak hour van/bus shuttle service to the Kendall Square Red Line transit station and the North Station Commuter Rail station in the morning and evening commuter hours is made permanently available to residents of the development. Service must be provided for at least two hours in the morning and two hours in the evening and have a maximum headway of twenty minutes; the Departments may authorize alternations in the characteristics of the

service as experience may suggest. The permittee shall submit an operation plan for the service to the Departments for review and approval. The service shall be initiated no later than the issuance of the first Certificate of Occupancy for the development. This service may be provided either independently or in cooperation with other area property owners through a service such as the EZ ride Shuttle.

- (viii) The proponent shall market the availability of alternative modes of transportation by posting information on such modes, including MBTA and shuttle schedules, at a centralized, prominent location in the building as well as on the project's website. Property newsletters will also include information on transportation options and TDM measures.
- (ix) Management of the property shall include the designation of a transportation coordinator to oversee the implementation of these TDM measures and any monitoring requirements.

b. In coordination with the Departments, the permittee shall prepare and recommend time-space diagrams for coordinated signal designs at the Traffic Study area intersections along the Binney Street, Cambridge Street, O'Brien Highway, and Land Boulevard corridors. Such documentation shall be complete before issuance of the first Certificate of Occupancy for the development. Where recommended signal timing changes are dependent on coordination with signals controlled by the Metropolitan District Commission (MDC), such as at Land Boulevard and O'Brien Highway, the permittee shall use their best efforts to secure MDC approval for the recommended timing changes. The permittee shall implement all recommended and approved signal timing changes. In addition, at the East Street and O'Brien Highway intersection, the permittee shall replace certain of the existing pedestrian signal heads as warranted and approved by the City and the MDC. In addition, the permittee shall contribute a proportionate share of the cost of installing a signal at Binney Street and Second Street in an amount to be determine in conjunction with the TP&T.

c. The permittee shall develop detailed plans to be approved by the Departments of sidewalk/wheelchair ramp and pavement marking improvements and installations for all existing pedestrian crossings at the Land Boulevard & O'Brien Highway and the East Street & O'Brien Highway intersections. Such plans shall be submitted to and approved by the Departments before issuance of the building permit for the first-phase East Building. Upon approval of such plans by the City, the permittee shall use their best efforts to secure MDC approval for the recommended changes. If approval of the MDC is secured, the permittee shall install the recommended improvements before issuance of the final Certificate of Occupancy for the development.

d. The permittee shall develop detailed construction plans to be approved by the Departments for the installation of the two pedestrian and bicycle connections to the Gilmore Bridge and the pedestrian connection from the

Development Parcel site, under the Gilmore Bridge, through Museum Towers property to Museum Way. The permittee shall then use best efforts to secure from the MDC and the owners of Museum Towers both their approval of the plan as it affects their respective properties and their cooperation in the implementation of the plan. If such approvals have been secured, the permittee shall install the plan as approved, before the issuance of the final Certificate of Occupancy for the first-phase East Building.

e. The permittee shall develop detailed construction plans to be approved by the Departments for the mixed-use path below the Green Line viaduct; such plans shall comply with AASHTO design standards. The path shall be installed prior to the issuance of the final Certificate of Occupancy for the first-phase East Building provided all necessary approvals have been secured.

f. The permittee shall develop a design for the "New Access Street" off of O'Brien Highway and the new "North Street" roadway off of East Street, to be approved by the Departments. The design shall indicate any alterations to the streets' designs anticipated by the permittee to occur within the permittee's Development Parcel should future connection into the adjacent Guilford site be made. The roadways shall be designed to City of Cambridge standards, or any variations from those standards that the Departments may approve, for public streets and shall be installed by the permittee on his own parcel, before issuance of the final Certificate of Occupancy for the phase-one East Building.

g. The adjacent Guilford development is proposing changes to the O'Brien/First/Cambridge intersection that may require the relocation of East Street towards the south, as suggested by the Eastern Cambridge Planning Study (ECaPS) and as suggested in the permittee's application documents. Until a final plan for the possible relocation of East Street is developed, the permittee shall not obstruct the potential relocated right-of-way and shall cooperate with the City and any permittee on the adjacent Guilford property in determining the final location and extent of that relocated right-of way. When a plan for a relocated East Street, designed to facilitate vehicular circulation throughout the North Point District, has been agreed to by the City, the permittee, and any permittee of an approved PUD Special Permit on the abutting Guilford property, the permittee of this Special Permit shall make available in a timely manner to the City, at no cost, the land necessary for the East Street construction, should it be required.

h. Until such time as the ownership of the facilities may be assumed by the City of Cambridge, the proposed New Access Street and the new North Street shall be open to the general public entering and visiting the site in motor vehicles, by bicycle and as pedestrians. Those streets shall also be open to pedestrians, bicycles and motor vehicles traversing the site to gain access to East Street or to any roadway, sidewalk or pedestrian pathway on abutting private property that has been approved by the Planning Board as part of a Planned Unit Development Special Permit granted under the provisions of Section 13.70 of the Zoning Ordinance.

i. The permittee shall not obstruct the extension of North Street and the New Access Street, and any other pedestrian or bicycle path or way, onto abutting

private property where such extension is consistent with a plan approved as part of an approved Planned Unit Development Special Permit granted under the provisions of Section 13.70 of the Zoning Ordinance. The land necessary to accomplish that extension shall be made available by the permittee in a timely manner and without cost to the City or any abutting property owner constructing such extension.

5. The CDD shall certify to the Inspectional Services Department before the issuance of the first Building Permit for the development that any required construction measures or survey instruments set forth in Condition #3 above have been designed and approved by the Departments and that the installation of such construction measures and other non-construction actions have been completed prior to the issuance of the first (or as set forth above, any subsequent) Occupancy Permit for construction authorized by this Permit, or on such alternate schedule the Departments may approve.

6. The permittee shall meet all requirements and standards of the City of Cambridge and its relevant departments with regard to the design and installation of the following infrastructure and utility improvements necessary to service the development, as if such facilities were to be installed in city streets: water and sewer service, stormwater management systems, electrical service, and cable installation. The Department of Public Works, the Water Department, the Electrical Department, License Commission, or any other department that may have jurisdiction, shall determine that all utility improvements on and off the site are sufficient to support the project, that all construction details are designed to city standards and that such improvements are installed, without cost to the City, in a satisfactory manner at the appropriate time in the course of the completion of the authorized development, as determined by the City.

7. All authorized development shall conform to the requirements of the City of Cambridge "Noise Control Ordinance", Chapter 8.16 of the City Municipal Code.

8. The Planning Board approves the Phase One site plan as illustrated in the plan entitled "Phase One Site Plan", dated August 16, 2002. Phase One shall include the construction of the East Building and the underground parking beneath that building; the construction to the interim phase of the east entry road, the interim phase of the "north" road; construction of the tot lot; construction of the multi-use pathway beneath the MBTA viaduct subject to approval of the MBTA; construction of the pathway beneath the Gilmore Bridge to the extent that permission can be secured from the MDC and applicable abutters; demolition of all existing buildings on the site, excluding the Maple Leaf office building; restoration of the future Phase Two site to a reasonable, landscaped appearance to an interim plan approved by the CDD/Planning Board; and installation of a temporary parking lot for 150 vehicles.

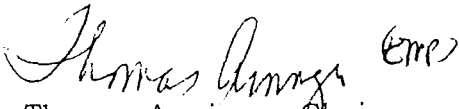
10. All open space shall be installed and maintained by the permittee in conformance with final site and landscaping plans certified by the CDD as consistent with Final Development Plan, as amended, as required in Condition #2 above. All open space indicated in the application documents as intended to be accessible to the general

public, including the proposed Tot Lot and the West Building pedestrian passageway, shall be accessible to the general public as is customary for public parks unless more restrictive access is approved by the Planning Board for good cause.

11. The Planning Board approves any subdivision of the Development Parcel that may be required to convey any street, in fee or easement, to the City of Cambridge.

Voting in the affirmative to **GRANT** the Special Permit were P. Winters, T. Anninger, W. Tibbs, H. Russell, and L. Stanley, Associate Member appointed by the Chair to act on this case, constituting at least the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,


Thomas Anninger, Chair

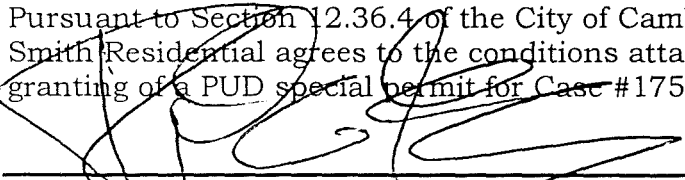
A copy of this decision #175 shall be filed with the Office of the City clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on September 20, 2002, by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision.
No appeal has been filed.

DATE:
City Clerk City of Cambridge

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, Charles E. Smith Residential agrees to the conditions attached to this Decision approving the granting of a PUD special permit for Case #175, Cambridge Research Park.


Authorized Representative, Charles E. Smith Residential

Appendix I – Dimensional Form: #175 Charles E. Smith

Special Permit # 175 Address: 1-23 East Street

	Allowed/Required	Existing	Proposed	Granted
Total FAR	3.77 (2.9 base)	0.78	3.77	3.77
Residential	3.48	0	3.50	3.48 to 3.77
Non-Residential	0.29	0.78	0.27	0.27 to 0.29
Inclusionary Bonus	0.87	NA	0.87	0.87
Total GFA in Sq. Ft.	932,815 sf	192,996 sf	932,815 sf	932,815 sf*
Residential	861,059 sf to 932,815 sf	0	869,205 sf	797,850 sf to 932,815 sf*
Non-Residential	71,755 sf	192,996 sf	65,610 sf	65,610 to 71,755 sf*
Inclusionary Bonus	215,265 sf	0	215,265 sf	215,265 sf
Max. Height	85 - 220 ft.	71.5 ft.	85 - 220 ft.	85 - 220 ft.
Range of heights	85 - 220 ft.	NA	85 - 220 ft.	85 - 220 ft.
Lot Size	100,000 sf	247,431 sf	247,431 sf	247,431 sf
Lot area/du	None	NA	323 sf	323 sf
Total Dwelling Units	None	None	767 units	767 units
Base units	To be calculated	To be calculated	To be calculated	To be calculated
Inclusionary units	To be calculated	To be calculated	To be calculated	To be calculated
Min. Lot Width	None	450 ft.	450 ft.	450 ft.
Min. Yard Setbacks	None	Variable	Variable	Per approved plans
Front				
Side, Left				
Side, Right				
Rear				
Total % Open Space	20 %	0 %	23 %	20-24%
Usable	0 %	0 %		
Other	20 %	0 %	23 %	20-24 %
Off Street Parking		213	873	873
Min #	817	NA	NA	NA
Max #	1253	NA	NA	NA
Handicapped	18	6	18	18
Bicycle Spaces	389	0	384	389
Loading Bays	1	22	4	4

* Subject to total GFA permitted and maximum non-residential GFA of 71,755. Retail activity subject to the limitations set in Section 13.70.