

CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

RECEIVED  
CITY CLERK  
JUL 13 2 36 PM '83  
CAMBRIDGE, MASS.

CASE NO: PB#31

PREMISES: 245 First Street

ZONING DISTRICT: 0-3A/PUD-3

PETITIONER: Riverview Building Limited Partnership

APPLICATION DATE: March 9, 1983

DATE OF HEARING: April 5, 1983 and May 3, 1983

PETITION: PUD Special Permit -  
Rehab existing Carter Ink Building and construction of  
new 129,500 s.f. office/building with six levels of  
parking.

DATE OF PLANNING BOARD DECISION: July 5, 1983

DATE OF FILING THE DECISION: July 13, 1983

Decision (summary): 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 date of 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 Community Development and the  
City Clerk.

July 13, 1983  
Date

Elizabeth McCarthy  
Authorized Representative  
to the Planning Board

The Application

The following documents were submitted as part of the final PUD application:

1. Planned Unit Development Application, Final Development Plan "Riverview Building" submitted on April 19, 1983.
2. Site Plans and section. Drawing No. 2.1, 2.2, 4.1, 5.1, 5.2, 5.3, 5.4, and 6.1, submitted on April 19, 1983.
3. Letter to Arthur Parris from William A. Sterling dated April 19, 1983.
4. Riverview Building Financial Form Review, Cambridge Community Development Department, May 12, 1983.
5. Letter to Arthur Parris, Chairman, from Edward Barry, President, The Congress Group, dated June 16, 1983, granting a waiver to the Planning Board of section 12.364 thereby extending the required PUD decision date from July 4 to July 24.
6. Letter, dated June 21, 1983 from William Sterling to Arthur Parris regarding PUD development parcel size.

Other Documents

1. Community Development Department memo to the Planning Board dated June 16, 1983.

THE HEARING

A public hearing was held on May 3, 1983 in accordance with section 12.363 of the Cambridge Zoning Ordinance.

Bill Sterling presented modified plans and application for the two phase office development at 245 First Street. The proposal includes renovation of the existing Carter Ink building and construction of a twelve story office/garage structure.

Mr. Sterling addressed each item listed in Exhibit "0" of the Final Development Plan Application form which summarized their response to issues of concern noted in the Development Proposal Determination. The summary indicates that they have agreed to most suggested modifications made by the Board with the exception of the recommendation that six (6) foot high steel fence be placed along First Street and that they consider reducing size of the windows at First Street. Mr. Sterling indicated that the reason for not providing the fence was that it would reduce the marketability of the first floor (sub-basement level) office space as it would create an unattractive enclosed atmosphere. The reason cited for not reducing the window widths of the existing Carter Ink building along First Street was that they wished to maintain the integrity of the original building. Major development feature changes included: a reduction in the building area that

exceeds 120' thus eliminating the height variance request and eliminating most of the 4th floor in the existing Carter Ink Building. The floor removal increased the total amount of usable office space by approximately 19,000 square feet.

Ed Barry stated that the financial viability of the project was dependent on the issuance of a permit for all of the requested floor area.

Jim Campbell, East Cambridge Project Director, informed the Board that the Riverview Office Development Group has met with CDD staff members and Dennis Carlone, Design Consultant to the Community Development Department, several times to discuss the development proposal.

Mr. Campbell indicated that most of the Planning Board's recommended modifications had been agreed to by the developers though one major issue still unresolved is the floor area ratio above the required 3.0.

The Final Development Plans show a reduced FAR of 3.47 from the 3.61 in the original development proposal though the fourth floor, originally cited as unusable for first class office space, has been removed. Mr. Campbell suggested that alternatives for justifying the increased FAR be investigated including having the developer provide certain public amenities such as more public open space (public park) in the East Cambridge area.

Member David Kennedy stated that he had problems with this development proposal particularly over the fact that the numbers continually change (eg. FAR 3.6 to 3.47).

Member Arthur Parris stated that he also was concerned over the FAR.

Member Paul Dietrich asked if the requests for design modifications were part of the PUD process or were related to the increased FAR. Dennis Carlone responded by stating that this was part of the normal PUD design review process.

Ed Barry, Riverview Office Group, explained to the Board that their original proposal of 248,000 square feet, including the two substandard floors in the existing building, was the exact amount of floor space needed by Retina Associates, a prospective tenant. This tenant would have used the two substandard floors for active filing space. Therefore, the average rents of \$18 per square foot took into account this lower cost rentable space. This tenant decided not to go through with leasing in Cambridge some time in February or March which substantially changed the project. Mr. Barry indicated that in April they received a report from a structural engineer informing them that it is structurally possible to remove the fourth floor which in turn creates a third floor of rentable office space.

Robert LaTremouille, 348 Franklin Street, voiced his opposition to the proposal and questioned the Planning Board's jurisdiction in this case as the minimum development size did not conform to the PUD-4 requirement.

Discussion and Review:

The Planning Board reviewed the documents submitted with the Final Development Plans and considered comments made at the public hearing and subsequent meetings of the Board.

FINDINGS

After consideration of all information provided and comments made, the Board has made the following findings:

1. All procedural requirements of section 12.30 have been met with the submission of a Development Proposal Application on March 9, 1983; a first public hearing on April 5, 1983; a Planning Board determination on the Development Proposal on April 19, 1983; submission of the Final Development Plan on April 19, 1983; a second public hearing on May 3, 1983.

The applicant has submitted a written waiver of section 12.364 requiring the Board to make a decision within 90 days of the first public hearing. The decision date has been extended from July 4, 1983 to July 24, 1983.

2. While the Final Development application addresses many of the design issues detailed in the Development Proposal Determination (refer to Exhibit "O"), final development plans of April 22, 1983 do not reflect all of these modifications. Nor have plans or elevations been submitted which reflect design modifications agreed upon at subsequent meetings between the developer, the Planning Board and the Community Development Department staff.

The applicant, as stated at the public hearing on May 3, 1983, and as noted on Exhibit "O" of the PUD Final Development Plan, has denied compliance with two design conditions of the PUD determination:

- (1) Condition 5(d)(2) requiring a six (6) foot high steel picket fence along the First Street elevation, and
- (2) Condition 5(a)(2), requesting reduction of the width of windows in the existing Carter Ink Building.

The Board finds that a steel six (6) foot high or an approved varied height fence along the First Street property line will provide an elegant definition of private/public property as well as security to the lower level office space. The second design issue mentioned above is regarding the window width in the

existing Carter Ink Building. Condition number 5(a)(2) "consider reducing width of windows at First Street so that columns are visually stronger and the classical vocabulary is more proportionally correct." The Board finds that the applicant's request to maintain the architectural integrity of the original building design is reasonable but maintains that the new window frames shall sensitively relate to the existing window configuration as well as building materials, texture and color. The Board recognizes that in this preliminary design stage of development it is not possible to review nor anticipate changes in design details. Therefore, periodic design review shall be a condition of this PUD special permit to ensure compliance with the intended urban design guidelines of the East Cambridge Riverfront Plan.

3. The Final Development Plan conforms to the General Development Controls set forth in Section 12.50 of the ordinance.

(a) Existing Policy Plans. The Final Development Plan is generally consistent with the East Cambridge Riverfront Plan (May 1978), in that the existing Carter Ink Building will be preserved and reused for first class office space as well as conformance with specific design guidelines such as:

"encourage brick facing on Riverfront Buildings and colored canvas awnings"

"maximize potential views of the river and Boston through building arrangement and orientation"

"develop new amenities along the Front that are easily accessible to and inviting for present East Cambridge residents."

As design development progresses design details should comply with other urban design objectives of the East Cambridge Riverfront Plan.

(b) Landscaping. All open areas within the development parcel in both Phase I and Phase II which are not used as driveways or walkways shall be landscaped as indicated on the Final Development Plans, 5.3 April 1983. Landscaping materials, layout and design shall be reviewed prior to landscape design development stage to ensure that said plantings will be aesthetically acceptable and compatible with the East Cambridge Riverfront.

(c) Utilities. All work materials and methods for the proposed site utilities shall be performed in accordance with the City of Cambridge standards and state codes.

4. The Final Development Plan conforms to the requirements of the PUD-3 District as specified in Section 13.40, except as noted in the following paragraph (b):

- (a) All proposed uses are allowed by subsection 13.42. First class office use in this location is considered both appropriate and desirable as is the ancillary restaurant space within the development project.
- (b) The Final Development Plan complies in part with the PUD-3 District dimensional regulations section 13.43. The following is a summary of dimensional features of the Final Development Plan.

	<u>Required/Allowed</u>	<u>Final Dev. Plan</u>
1. Development Parcel Size:	2.0 acres	1.6 acres*
2. Floor Area Ratio:	3.0	3.47*
3. Floor Area:		
Phase I		115,315
Phase II		<u>129,500</u>
Total	211,287 s.f.	244,815 s.f.*
4. Height:	120' to 230'	
Phase I		65'
Phase II		178'
5. Usable Open Space:	10,564 s.f.	2,232 s.f.*
(as defined in Art.2000)		
Other Open Space:		6,102 s.f.
(Atrium)		<u>                    </u>
Total		8,334.* s.f.
6. Off-Street Parking:		
(a) minimum -		
Phase I	77	
Phase II	<u>72</u>	
	149	
(b) maximum -		
Phase I	193	
Phase II	<u>193</u>	
	386	
(c) proposed -		
Phase I	---	62*
Phase II	---	390*

(\*vary from the PUD-3 district dimensional requirements)

The Board, in considering the previously noted dimensional violations, finds the following:

- (1) Lot Size. The developers were unsuccessful in attempts to acquire additional land to increase their lot size to the 2.0 acre requirement. The Planning Board finds that conditions around the site, specifically, the adjacent Cambridge Electric facilities, the Athenaeum Building and First Street impose limitations on incorporating any other land area to the development parcel. Therefore, in accordance with section 12.52, the Board finds that while this development parcel does not meet the 2 acre minimum size, the development plan meets the planning objectives of the PUD-3 district.
- (2) FAR. The Board finds that preservation and reuse of the existing structure (Carter Ink Building) creates specific circumstances unique to the site, in addition to meeting the objectives of the East Cambridge Riverfront Plan which calls for the creation of first class office space maximizing views to the River and Boston.

Other site and building conditions unique to this development include:

- the existing building occupies a prime location for construction;
- the site is bounded by the power plant with its six story blank wall;
- construction cannot go much below grade since the water table is at 14' and the current foundation is at 16'; elevation
- the existing Carter Ink building cannot structurally support any additional weight, thus precluding building directly above it;
- the third and fourth floors had substandard clearances (the removal of the fourth floor reduced the space originally calculated to be rented at an average of \$18/sq.ft. by 19,000 sq.ft.);
- buildings B and C are not marketable as office space.

These specific site and building conditions justifies a floor area of 129,500 sq.ft. for Phase II bringing the total to 244,815 sq.ft. Essentially, the added costs associated with having to build the prime office space beginning at a height of 65 feet, in order to get it above the existing Carter Ink building so that it can be marketed, require that the proposed amount of square footage be available for rent.

- (3) Usable Open Space - The minimum amount of usable open space required for this development proposal is 10,564 square feet. The petitioner is requesting that 6,102 square feet of atrium space and 2,232 square feet of entry plaza (total 8,334 sq. ft.) qualify as usable open space. The present definition of usable open space excludes the 6,102 sq.ft. of atrium space.

The Final Development Plan in response to the Planning Board determination of April 19, 1983 incorporated several modifications to ensure that public benefits will be provided including:

- (1) Creation of a major entrance way into the building from First Street;
- (2) Plantings along the front of the building including flowering trees, shrubs and planting beds;
- (3) Public sidewalk improvements along First Street including the cost for placement of a brick sidewalk in front of the existing Carter Ink Building.

In addition to the above, the Board finds that further improvements should be provided in lieu of providing the required amount of public open space through an acceptable alternative such as providing improvements to other public park land such as the Lechmere Canal Park. The Board further finds that the enclosed atrium space appears to be an internalized private space. Though the atrium will be open to public use and available to local arts groups for gallery and theatre space, it does not conform to the intended planning objectives of the PUD-3 District.

- (4) Off-Street Parking. Phase I of the development proposal provides off-street parking in the area where Phase II will be constructed. The minimum number of spaces required for Phase I is 77. The petitioner states that only 62 spaces can be accommodated during the one to three year interval between phases. The Board finds that, the circumstances created by the shape and size of the parcel creates a substantial hardship. In addition, the Board finds that this is a temporary situation which will be eliminated upon the completion of Phase II. However, if in the event that Phase II is extensively postponed or never constructed, the petitioner will provide the additional 15 spaces on site to meet the zoning requirements.

The total number of spaces upon completion of Phase II will be 390. This is 4 spaces above the maximum parking spaces for this district. The Board finds this a minor violation and that additional off-street parking in this location will not have an adverse impact on the adjacent neighborhood but rather a positive one.



The Board finds that the number and extent of zoning violations within this PUD development plan is substantially greater than any previous PUD special permit reviewed by the Board. While valid justification exists for each violation previously listed, the Board is concerned over the overall impact this development will have on the Riverfront and adjacent neighborhood. The following is a summary of obvious public benefits of this development proposal:

- sets the level of quality called for in plan,
- draws people in to generate activity, including restaurant and courtyard,
- more jobs and taxes,
- improves the present site which is vacant and deteriorating,
- encourages other development,
- scale and bulk of existing buildings are maintained,
- saves the existing building,
- reinforces vitality of First Street and adds life to Athenaeum Street,
- screens Cambridge Electric stacks from rest of project area,
- quality of architecture, with identity, adds to skyline, and
- can financially support on-site public improvements, i.e. sidewalks, lighting, planting, etc.

In considering both the extent of zoning violations within the development plan and the public amenities/benefits being provided, the Board finds that the public amenities and benefits do not completely offset the overall impact the extra development on this site will have on the area. Therefore, the Board suggests that additional amenities be provided including the addition of usable public open space or equally acceptable arrangement. This could be achieved by providing improvements and maintenance of publicly owned park land within the East Cambridge Riverfront area.

5. Traffic. The Board has considered the report from the Department of Traffic and Parking which recommends approval of the development proposal.

#### DECISION

Based upon the above Findings, and having determined that the Final Development Plan meets the evaluation criteria set forth in the applicable provisions of the Zoning Ordinance and contains revisions previously requested by the Board, and subject to the conditions as set forth herein which have been agreed to in writing by the developer, the Board:

1. Grants a Special Permit to construct a PUD in accordance with this decision;
2. Permits the following uses which are allowed by Section 13.42: office, restaurant and off-street parking;
3. The special permit to construct a PUD is conditional upon the following:
  - A. Development Plans shall be submitted within 15 days of filing of this decision reflecting all agreed upon modifications outlined in Exhibit "O" of the Final Development Application and as modified by the following conditions:
  - B. Dimensional Limitations. All major dimensional features of the development plan shall remain generally as represented in the Final Development Plan and as listed in finding number 4(b) except as modified by the following conditions:
  - C. Required Further Studies, Conditions with Respect to Architectural Details and Design Features.
    - (1) The applicant shall submit project drawings to the Community Development Department at the 25%, 50% and 90% stage of design development phase and working drawings at the 50%, 90% and 100% completion stages. The purpose of these submissions will be for the staff to determine compliance with the Final Development Plan, the objectives of the East Cambridge Riverfront Plan, and the design intent expressed in the development proposal determination of April 19, 1983. The applicant shall receive written certification that such reviews have been made. Such reviews and certification shall be conducted in each event during a ten working day period following each submission.
    - (2) Development Plans should include the erection of an elegant six (6) foot high or approved varied height steel picket fence along First Street.
  - D. Zoning Variances. In accordance with Section 10.45 of the Cambridge Zoning Ordinance, the Planning Board waives the following zoning requirements:

	<u>Required</u>	<u>Granted</u>
1. FAR - Section 13.431	3.0 (211,287 s.f.)	3.47 (244,815 s.f.)
2. Usable Open Space - Section 13.45 (enclosed atrium does not qualify as usable open space)	10,564 s.f.	2,232 s.f.  (6,102 s.f.)
3. Off-Street Parking Section 6.313 - Maximum Phase II	386	390

## E. Special Permits within the scope of PUD review:

	<u>Required</u>	<u>Granted</u>
1. Development Parcel Size Section 12.52	2 acres	1.6 acres
2. Off-Street Parking Section 6.35 Minimum Phase I	77	62

F. In lieu of providing additional public open space to comply with the requirements of Section 13.45 as outlined in finding number 4(b)(3), the applicant shall improve and maintain public open space in the Lechmere Canal Park in an amount equal to the amount of public open space from which the development plan varies from the PUD-3 district open space requirement (8,334 s.f.). Said improvements and maintenance shall be based on the proportionate cost of land improvements in Phase II of the Lechmere Canal Park.

Severability

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

This approval of the Application for a PUD Special Permit under Section 12.364 of the Zoning Ordinance has been made by the affirmative vote of five (5) members of the Planning Board.

Respectfully submitted

For the Planning Board

*Arthur C. Parris*

Arthur C. Parris  
Chairman

ATTEST: I, Edward F. Barry, Jr., duly authorized representative of the Riverview Building Limited Partnership, have read this decision prior to action by the Planning Board and hereby agree to the foregoing conditions as approved by the Planning Board.

*Edward F. Barry, Jr.*  
By: Edward F. Barry, Jr.

7/12/83  
Date