

Sent 5/9/86

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

RECEIVED BY
OFFICE OF COMMUNITY DEVELOPMENT
CAMBRIDGE MA.
1986 MAY -8 PM 1:06

CASE NO: PB #53
PREMISES: 75-83 Cambridge Parkway
ZONING DISTRICT: PUD-2/Residence C-3A
PETITIONER: 75-83 Cambridge Parkway Limited Partnership
APPLICATION DATE: January 10, 1986
DATE OF HEARING: February 4, 1986
PETITION: PUD Special Permit for housing

DATE OF PLANNING BOARD DECISION: May 6, 1986

DATE OF FILING THE DECISION: May 8, 1986

Decision (summary):

Application approved with modifications from the original submission. 292 units are approved with a building height of 124.5 ' and an FAR of 4.1

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.

5/8/86
Date

[Signature]
Authorized Representative
to the Planning Board



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

FINAL DEVELOPMENT PLAN DECISION

Case No: Planning Board Case #53

Petition: Special Permit for a Planned Unit Development

Project: Charles River Terrace
75-83 Cambridge Parkway

Applicant: 75-83 Cambridge Parkway Limited Partnership

District: Residence C-3A/PUD-2

Application Date: January 10, 1986

Development Proposal

Public Hearing: February 4, 1983

Date of Planning Board Determination: April 1, 1986

Final Development Plan Public Hearing

April 15, 1986, continued to May 6, 1986

Final Decision

May 6, 1986

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Documents Submitted

1. Development Proposal Application, certified complete on January 10, 1986.
2. Plans, elevations, titled "Charles River Terrace", Moshe Safdie and Associates, Inc., Architects; various scales; Dated February 4, 1986 and December 6, 1985 with revisions.
3. Revised Map entitled "FAR Lot Size and Bonus Calculations" Moshe Safdie and Associates, Inc. dated February 4, 1986; scale 1"=30'.
4. Revised plans and elevations, various scales; dated April 1, 1986.
5. Letter to Planning Board dated March 4, 1986, from Richard Cohen outlining a revised proposal.
6. Letter to Planning Board dated February 13, 1986 from Richard Cohen granting an extension for reaching a Determination on the Development Proposal.
7. Revised table entitled "Charles River Terrace Unit Distribution and Building Area", dated April 1, 1986 (revised).
8. Letter to the Planning Board from Richard Cohen, dated April 1, 1986 granting the Planning Board extensions for decisions on the Development Proposal and Final Plan and date of second Public Hearing (on the Final Development Plan).
9. Final Development Plan application, certified complete on April 4, 1986.
10. Plans, elevations entitled "Charles River Terrace", Moshe Safdie and Associates, Inc., Architects; various scales; dated April 1, 1986.

Public Hearing

A public hearing was held on February 4, 1986. Representatives from Cohen Properties, the applicant, and Moshe Safdie, Architect, presented the proposal that had been introduced to the Planning Board in an informal preliminary consultation held in January. The proposal, at 4.8 FAR, a height of 148.5 feet and containing 350 dwelling units (at 175 square feet of lot/dwelling unit), required a significant number of variances from the zoning requirements of the PUD District, which the applicant justified based on the purchase

price of the land (including expensive existing improvements); the costs of foundation construction on a waterfront site; the expensive nature of the two-tower design as proposed in part in response to Community Development staff requests; the setbacks from the lot lines, also requested by staff; and the pioneer nature of housing at this site which necessitates as high a proportion of expensive (elevated) dwelling units.

The Planning Board members indicated that the argument for the variances made were not convincing, that the bonuses given from 3 to 4 FAR in the PUD District are given in compensation for the design features incorporated into the building as presented, and that the excess FAR requested in part drives the excess height proposed.

The Board did indicate that the FAR generated by the open balconies provided could be excluded from any FAR calculation as it does not contribute to the bulk of the building; the balconies are a desirable design feature, which would otherwise be discouraged by the existing FAR regulations. Additionally the number of units built should be related to the FAR allowed; as the open space bonus only grants extra FAR and not additional units the Board would consider granting the variance of an additional number of dwelling units.

Despite those reservations the Board was pleased with the general proposal and its design responses to the urban design objectives in play at the site. As there seemed considerable concern with the proposal's excess height and FAR the applicant and the Board agreed to extend the date of Decision on the Development Proposal to allow modifications reflecting the Planning Board's expressed concerns.

No one from the public spoke in opposition to the proposal.

The applicant presented the revised plans, meeting the conditions of the Determination, at a second public hearing. No one spoke in opposition to the proposal.

Other Documents Received

1. Letter to Lester Barber from Jonathan D. Katz, H.J. Davis Development, dated March 7, 1986 indicating concern for certain design aspects of the building (Bay windows on the park side).

Findings

1. All procedural requirements of Section 12.30 have been met with the submission of a complete application on January 10, 1986 and a public hearing on the Development Proposal on Tuesday, February 4,

1986, a Final Development Plan submitted on April 4, 1986, and a public hearing held on April 15, 1986.

2. The proposal conforms in significant details to the objectives and policies outlined in the East Cambridge Riverfront Plan and the more detailed design guidelines formulated by the Community Development Department and published in the document East Cambridge Development Review Process and Guidelines, as required in Section 12.353.
 - (a) The development is almost exclusively housing and offers the opportunity to establish a housing use precedent in this portion of the East Cambridge Development area, a major objective of the City and a significant improvement to the mix of development in the East Cambridge Waterfront area.
 - (b) In its current form the structure has many positive design elements that are appropriate to its East Cambridge location including the following:
 - (1) The structure is set back from Front Park a distance of 10 feet, at the request of the city, in order to permit the installation of a row of trees which would not be possible otherwise because of an existing sewer easement on park property. While modest, the setback does significantly improve the design of the park and in addition does provide at least some additional light onto the public space.
 - (2) An additional more modest setback is provided along Commercial Avenue to permit more generous public sidewalks and space to plant street trees.
 - (3) The ground floor of the structure facing the most critical public spaces (Front Park and the Charles River waterfront) contains active uses: a restaurant along the entire frontage of Front Park and two stories of housing along the entire frontage of Cambridge Parkway. Thus the major public spaces are assured of compatible and sympathetic building frontages that provide active uses and appropriately scaled facades.
 - (4) By stepping the structure back as it rises from the three story parking platform the building is made to appear less massive from the River side of the development; in addition the arrangement permits additional light to enter onto the public Front Park.

- (5) The range of materials and details suggested offer the potential for creating an interesting and lively building design.
3. The proposal as currently formulated still presents a number of urban design issues which require additional investigation and appropriate design responses. Among them are the following:
- (a) The terracing, while very effective in responding to design considerations along the river, results in a very imposing wall along Commercial Avenue which requires further study.
 - (b) Large expanses of terrace are provided atop the parking garage; their use and detailing requires further analysis and programming.
 - (c) Despite the terraced profile along Front Park, the building is an imposing presence on that park. Potential design modifications should be researched which might minimize any identified negative impacts.
 - (d) The precise nature of the materials used on the upper floors; the relationship of the ground level housing flats, including possible stair access to the park; the height, design and detailing of the low wall along Cambridge Parkway; design of the "back" portions of the proposed restaurant are among the many detailed design issues that will require further study and be judged against the objectives detailed in East Cambridge Development Review Process and Guidelines.
4. The proposal as revised is not in conformance with the development controls established in PUD-2, Section 13.20 of the Zoning Ordinance. Specifically the following dimensional requirements have not been met:

FAR	4 .0 permitted (358,356 sq. ft.)
	4.10 proposed (3.99 without balconies included)
	(367,236.5 sq. ft.; 356,472.5 sq. ft.)

Height	120 feet permitted
	124.5 feet proposed

Lot Area/Dwelling Unit:

	300 Square feet/unit permitted (204 units)
	209 square feet/unit proposed (292 units)

Under the authority granted to the Board by Section 10.45 of the Zoning Ordinance the Planning Board is prepared to grant the above variations from the regulations for the following reasons:

- (a) The real FAR of the building is less than the 4.0 permitted when the roof balconies are eliminated. With the provision that a deed restriction prohibit enclosure of these open balconies the Board feels that their presence is an important positive aspect of the design which should not be discouraged through an FAR penalty.
 - (b) The height is a modest increase over the 120' limit in part mandated by utility system designs throughout the building. Distribution of the FAR contained in the top floor to elsewhere on the structure would be a design solution less desirable than this modest increase in height above the 120' limit. Use of other utility designs needing less space would increase costs far in excess of the "public" costs imposed by a 4.5' variation in the height limit.
 - (c) The number of dwelling units allowed on the lot should be related to the amount of floor area permitted. Because of provisions of the Open Space Bonus section of the Ordinance (5.223) a lot's area (and thus a developments total floor area) can be increased; however the number of units allowed does not increase commensurately. The bonus provision thus favors office use (where floor area is the only significant measure of development potential) over housing where the number of dwelling units is an equally important measure. If the dwelling units proposed were measured against the increased lot and floor area allowed by the open space bonus system the lot area/dwelling unit figure would be 306, slightly less dense than that permitted in the district (300 square feet/DU). Therefore the Board is prepared to grant a variation in the lot area/dwelling unit requirement as requested.
5. The total floor area contained in the building is permitted on the site based on the application of the allowed floor area ratio (4.0) to: (1) the lot owned in fee by the applicant, (2) that portion of land owned by the City of Cambridge and currently leased for parking by the applicant, said leasehold to be terminated by the applicant in accordance with Paragraph 3 of the Decision below and (3) additions to the lot area as permitted in Section 5.223 for those portions of the lot abutting public open space.

6. The open space requirement of the PUD shall be met with the provision of setbacks, suitably landscaped, from park, Cambridge Parkway and Commercial Avenue, and a payment of \$100,000 for use in open space projects in the East Cambridge area.

DECISION

After review of the information presented in the application, comments made at the two public hearings, discussions with the staff of the Community Development Department, and other information available to the members of the Board, The Planning Board GRANTS a Special Permit for a Planned Unit Development as outlined in the documents submitted with the Final Development Plan application and GRANTS variations from the dimensional requirements of Section 13.30 - PUD-2 as outlined in Paragraph 4 of Findings above with the following conditions:

1. The development shall remain in general detail in conformance with the Final Development Plan as approved in this Decision. Before issuance of a building permit for the development the Community Development Department shall certify to the Superintendent of Buildings that all plans submitted for permitting are in conformance with this Decision.
2. The development shall continue to undergo design review as outlined in the enclosed document. Particular design issues to be addressed shall include but not be limited to the following:
 - (a) the items discussed in Paragraph 3 of the findings;
 - (b) building areas extending into the required setbacks to ensure that they embellish and animate the adjacent public open space system; similar concerns are expressed for the ground floor level of the building facing any public open space;
 - (c) the design of the bay windows as they abut public open space should be reconsidered; they should be designed so as to enliven the building from all vantage points both day and night;
 - (d) the mechanical penthouses should be reduced to an absolute minimum and be designed as an integral extension of the building's image and character;
3. The leasehold agreement between the City of Cambridge and the applicant for the use of abutting City owned land for parking by the applicant (agreement attached) shall be terminated by the applicant at no cost or penalty to the City on or before May 28, 1986.

4. Arrangements shall be made by the applicant, satisfactory to the City of Cambridge, to ensure continual maintenance of all open space abutting Front Park on the applicant's lot to a level equal or greater than that of the adjacent public park.
5. A payment shall be made to the City of Cambridge in the amount of \$100,000 for funding expenses related to public open space acquisition and development undertaken by the City within the East Cambridge Project area. Said payment shall be made on or before the issuance of the building permit.

The permit is granted with an affirmative vote of five members of the Board with P. Dietritch, J. Bruckner, A. Cohn, C. Mieth and J. Woolsey voting in the affirmative.

For the Planning Board,

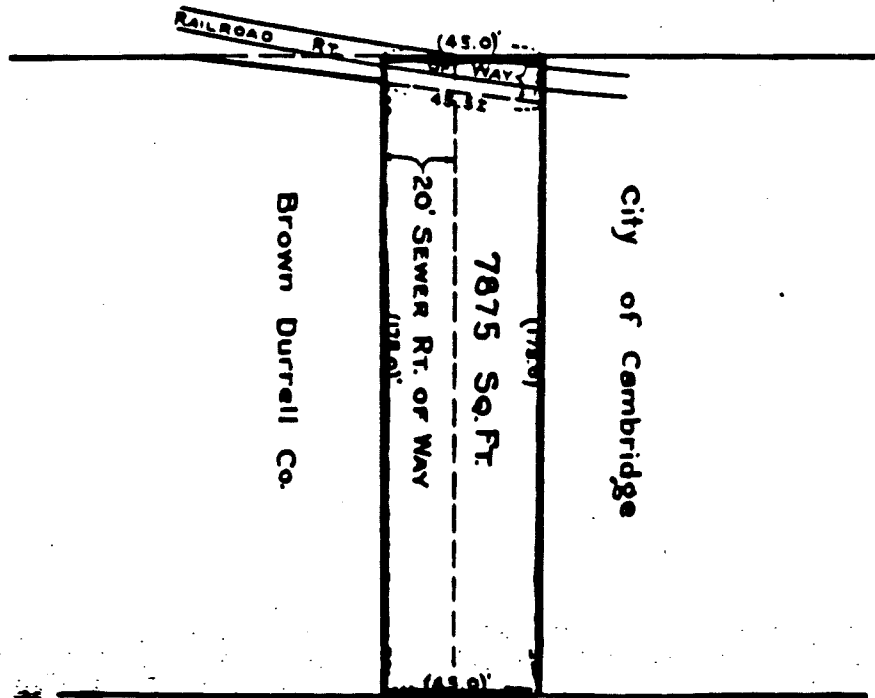
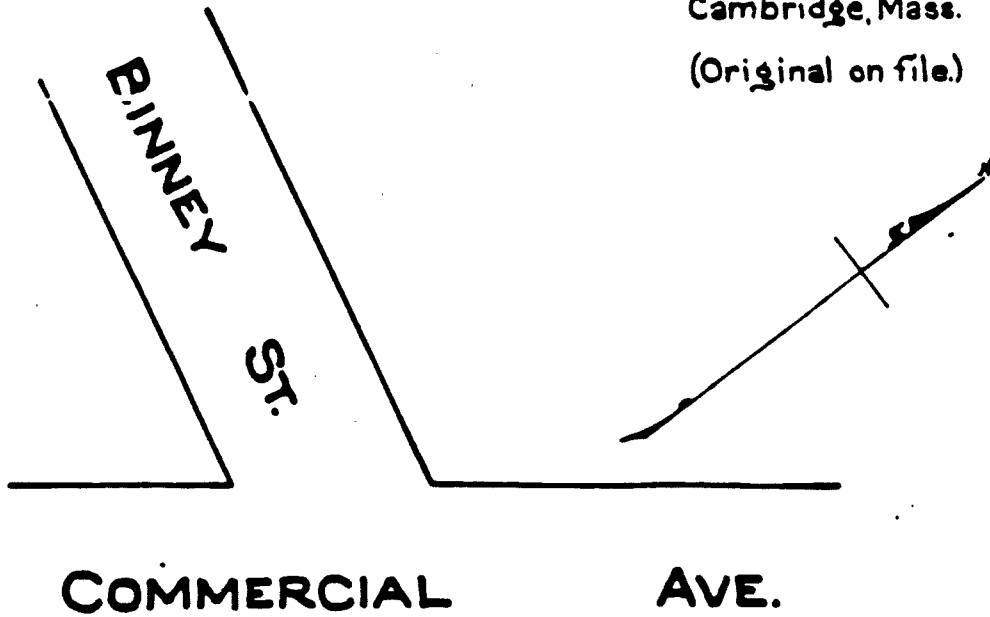
Alfred B. Cohn

Alfred Cohn, Vice Chairman

Plan of Land
in
CAMBRIDGE

Scale-1"=40'-0" Aug. 19, 1946
G. Frank Hooker, City Engineer
Cambridge, Mass.

(Original on file.)



CAMBRIDGE PARKWAY

Middlesex Registry of Deeds, St. 9th
CAMBRIDGE, MASS.

Plan Number 1887 of 1946

Rec'd Nov. 29, 1946 FILED S.A.H.

via Lease

City of Cambridge

Brown Durrall

Recorded, Book 7