

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

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CAMBRIDGE COMMUNITY
DEVELOPMENT DEPT.

NOTICE OF DECISION

RECEIVED BY
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1986 SEP 25 PM 3:20
CAMBRIDGE MA.

CASE NO: PB #55

PREMISES: 160-180 First Street

ZONING DISTRICT: Residence C-3A/PUD-2
Business A/PUD-4

PETITIONER: Jonathan G. Davis Trustee of River Court Development Trust

APPLICATION DATE: May 14, 1986

DATE OF HEARING: June 24 and September 2, 1986

PETITION: Planned Unit Development Special Permit for the
construction of 171 Units of housing.

DATE OF PLANNING BOARD DECISION: September 16, 1986

DATE OF FILING THE DECISION: September 25, 1986

Decision (summary): 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 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.

9/24/86
Date

Paul G. ...
Authorized Representative
to the Planning Board



OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

Final Decision

Case #: PB #55

Petition: Special Permit for a Planned Unit Development

Project: River Court
160-180 First Street

Applicant: Jonathan G. Davis
Trustee of River Court Development Trust

District: Residence C-3A/PUD-2
Business A/PUD-4

Application Date: May 14, 1986

Public Hearing: June 24, 1986

Date of Determination: August 4, 1986

Date of Second Public Hearing: September 2, 1986

Date of Decision: September 16, 1986

(4) In proposed building materials, distribution of bulk and uses and in its elaboration of building form the proposal is very sympathetic to the detailed guidelines adopted for East Cambridge.

(5) All parking is provided below grade or nearly below grade making possible all of the at grade and near grade design public benefits outlined above.

3. The proposal 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	3.58 permitted 3.92 proposed (241,762 sq. ft. permitted 264,479 sq. ft. proposed)
Height	120 feet permitted 126.5' proposed (130.5' to top of enclosed mechanical distribution lines)
Lot Area Per Dwelling Unit	338.34 sq. ft./unit permitted (170.55 units)
	337.45 sq. ft./unit proposed (171 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) All parking, three levels, will be placed underground allowing a building at ground level that is animated in design and occupied with active uses; major open space, visible to the general public, is provided at ground level. No side of the development is therefore devoted to multi-levels of parking as has occurred along Commercial Avenue in other new developments on the waterfront.

The building form can be lighter in aspect and more varied in outline at the ground plane (all to the public benefit) because it is not necessary to provide a parking podium of one or two stories completely filling the lot. The underground parking is provided at a significant cost premium.

The improved design possible because of below grade parking is so substantial and the cost premium for doing so sufficiently significant that the additional floor area requested can be considered a reasonable incentive for accomplishing important public benefits.

- (b) The additional height (to 126.5) is a modest increase over the 120 foot limit in the district, arising principally from setting the first residential floor of the building 4.5' above the mean grade in order to protect the ground floor residential uses somewhat from the heavy traffic along the abutting roadways, in particular Commercial Avenue. While it would be possible to move the bulk of the top floor to the lower level wings the public benefit of relatively low buildings along First Street would be more compromised than is the case with an additional six and one half feet of height on the highest portion of the building.

The additional height to 130.5' is space enclosing mechanical systems feeding the elevator and the heating and cooling equipment. In response to urban design objectives articulated by the Community Development Department staff these mechanical systems are enclosed in a more elaborate roof than would otherwise be necessary; the more elaborate roof more effectively advances the character and design objectives of the district.

- (c) With regard to the 22,000 sq.ft. of excess floor area requested, 43% of that total is devoted to attic storage and laundry space under the roof of the two low wings facing First Street. Those roofs have been elaborated in part in response to urban design objectives articulated by the City. As the desired mass of the roof would be perceived even without creating additional floor area the Board is willing to consider the use of the attic space for bulk storage and laundry purposes provided deed restriction are incorporated into the condominium master deed restricting its use to such and prohibiting its conversion to commercial or living space of any sort.

An additional 1442 sq. ft. of excess FAR derives from additional lot area claimed by the applicant under Section 5.223 (open space bonus provision) for that portion of the lot (parcel B) abutting a projected city park. While technically the Planning Board has determined that the park does not yet exist and therefore cannot be considered public open space under the ordinance it will become eligible to be considered open space by abutting property owners when the parcel is conveyed to the city for public park purposes by the applicant. The Board therefore is prepared to consider that additional floor area as an equitable and reasonable reflection of the intent of Section 5.223 if not of the specific letter of its provisions.

The final 11,441 square feet, as indicated above, may be granted as a reasonable incentive to achieve the urban design benefits incorporated into the fundamental design of proposal.

The Board is prepared to approve a variation in the lot area/dwelling unit requirement as modified at the second public hearing as the number of units proposed is less than one half unit more than is permitted.

Documents Submitted

1. Application, dated May 14, 1986 and certified complete.
2. Plans, Elevations; Drawings 1-14 entitled "River Court, Commercial Avenue, Cambridge, Mass."; H.J. Davis Development Corporation; Steffian Bradley Associates, Inc., Architects; various scales, dated May 13, 1986.
3. Letter to the Planning Board from Jonathan D. Katz granting an extension to the Planning Board for making its Determination decision.
4. Memo from Bernkopf, Goodman and Baseman to the Planning Board outlining the applicant's justifications for the requested variations.
5. Memo to Jonathan Katz from Lee C. Lim, dated May 27, 1986; and letter to Jonathan Katz from Joseph Hohman, dated June 2, 1986 outlining the added costs associated with underground parking construction.

Other Documents

1. Letter to the Planning Board from Paul Dodds, Secretary to the East Cambridge Planning Team, indicating no opposition to the proposal.

Public Hearing

A public hearing was held on June 24, 1986. Jonathan Katz, representing the applicant and architects for the project presented the proposal to the Board detailing in particular the variations from the PUD regulations being requested by the applicant. The Board members expressed some concern for the variations requested and asked the staff of the Community Development Department to detail the design and public benefit tradeoffs that might justify the variations requested.

No one spoke in support or opposition to the proposal.

At the second public hearing Jonathan Katz, representing the applicant, again outlined the project, which has not changed in significant detail from the proposal presented at the first public hearing. The one significant modification made was a reduction in the number of units proposed from the original 183 planned to 171 (170.55 permitted). An increase in the size of individual units has allowed a reduction in the total number; in addition the applicant would like the flexibility to be able to convert an additional six first floor units to office or residential use if that should prove desirable in the future. A second minor change requested was to permit a laundry facility in the attic space of the lower wings in addition to the storage space previously proposed.

As the issue of public benefits received by the community as a result of the bonuses granted to the development under the PUD process had been raised, Mr. Katz enumerated those features of the building proposal that provided significant benefits to the public at large:

(1) parking placed underground which permits a building and site design particularly amenable to the pedestrian and the public whose principal use of the building is visual, e.g. active uses on the ground level within the building, no real back side to the building, large open spaces in the form of courtyards at the ground level, a high level of architectural detailing. (2) donation of a 13,072 square foot parcel of land for a public park and additional money for its design development in the future; (3) a high level of improvement on all abutting city sidewalks including brick paving, street trees and appropriate East Cambridge street lighting fixtures.

No one spoke in opposition to the proposal.

Findings

1. All procedural requirements of Section 12.30 have been met with the submission of a complete application on May 14, 1986 and a public hearing held on the proposal on Tuesday, June 24, 1986 and a second public hearing on September 2, 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 will strengthen the future residential character of the area initiated with the approval of Special Permit #53 at 75-83 Cambridge Parkway. Extensive residential use has been a major objective of the City throughout the waterfront development area.
- (b) On a prominent and transitional site the proposal as formulated accommodates multiple public objectives extremely well.
 - (1) Active uses (residential or commercial) are in place on the first floor, at grade facing First Street and only 4.0 above grade on Commercial Avenue.
 - (2) Large expanses of the site will be devoted to landscaped open space at or very close to grade. That open space, serving as courtyards for residents of the building, will be completely visible by both pedestrians and drivers passing the site on First Street and Commercial Avenue.

In addition a 13.072 square foot lot identified as Parcel B in the application documents will be conveyed to the city to become part of a larger public park to be created along Commercial Avenue.

- (3) While the building is very large the design respects the lower scale development along First Street with two low wings and concentrates the taller wing of the building along Commercial Avenue facing Front Park.

- (e) The Board finds that the variations requested may be granted in light of the substantial financial hardship that results from the very nature of the building design and that that hardship is directly related to the high water table affecting the site. In addition such variations may be granted without substantial detriment to the public good or without nullifying or substantially derogating from the intent or purpose of this Ordinance. On the contrary the variations permit a development which more clearly benefits the public and public purpose than would otherwise be possible.

Decision

After review of the documents submitted for the application, comments made at the two public hearings, discussions with the staff of the Community Development Department and other information available to the Board and pursuant to the authority granted in Section 12.364 of the Zoning Ordinance, The Planning Board GRANTS a PUD Special Permit for construction of a residential and commercial building at 160-180 First Street and GRANTS variations in the dimensional requirements of PUD 4 and PUD 2 customarily requiring a variance as authorized in Section 10.45 of the Zoning Ordinance with the following conditions and limitations:

1. All final plans shall in general conform to the plans submitted as part of this application and referenced above except as modified by this DECISION. Final plans shall not exceed the following approved limits:
 - (a) Maximum Gross Floor Area: 264,479 square feet
 - (b) Maximum FAR: 3.92
 - (c) Maximum number of dwelling units: 171
 - (d) Maximum height: 126.5 feet (as defined in the zoning ordinance)
 - (e) Maximum height to the top of the building: 130.5' (enclosing mechanical equipment)
 - (f) Minimum lot area per dwelling unit: 337:45 square feet(See Attachment I)
2. Variations from the dimensional requirements of the applicable PUD Districts, customarily requiring a variance, are granted as follows:
 - (a) FAR: 3.92
 - (b) Height (as defined in the Ordinance) 126.5 feet
 - (c) Lot Area per Dwelling Unit: 337.45 square feet
 - (d) Number of Dwelling Units: 171

All other aspects of the building shall conform to the dimensional and other requirements of the PUD-4 and PUD-2 Districts.

3. The following uses shall be permitted:

- (a) On the ground floor: any combination of office, retail business and consumer service establishments, and multi-family dwellings as permitted in the PUD-2 District, Section 13.32, including restaurants.
- (b) All other floors: multi-family dwellings except that the attic floors of the two low rise wings of the building facing First Street shall be limited by this permit and by the recorded Condominium Master Deed, if any, to storage and communal laundry use exclusively.

To the maximum extent possible all ground floor uses shall be selected so as to maximize the objectives of the East Cambridge Plan and the East Cambridge Development Guidelines, maintain a high quality of design and operation, and service the needs of the residents of the building as well as visitors to the surrounding district. Proposed uses shall be approved by the Community Development Department should they vary from those proposed in the application documents which are made part of this decision.

4. The following public improvement shall be required:

- (a) Installation of brick sidewalks, street trees, and Shepard's Crook or East Cambridge Historic Light fixtures as appropriate on all public sidewalks abutting the Parcel A as identified in the Application Documents to designs approved by the Community Development Department or the agency having specific jurisdiction. All such improvements shall be completed on or before the issuance of occupancy permits for 80% of the constructed dwelling units.
- (b) Conveyance of Parcel B to the City of Cambridge for use as a public park. Such conveyance shall be made prior to issuance of any occupancy permit for the building, or by April 15, 1988, whichever comes first. The applicant shall permit reasonable access to the parcel prior to conveyance to the City to permit survey and other work necessary to the design of the park facility.
- (c) A payment in the amount of \$100,000 shall be made to the City of Cambridge, on or before issuance of occupancy permits for 80% of the units, or Sept. 30, 1988, whichever occurs sooner, specifically for costs associated with the design of the park facility to be constructed on Parcel B and abutting sites anticipated to be acquired by the City in the future.


5. The courtyard facing Commercial Avenue and Front Park shall be designed and maintained as an active entry into the building for residents and guests. It shall remain unlocked and accessible for a reasonable period of time each day but not less than 8:00 A.M. to sunset. As a Minor Amendment to this permit the Planning Board may consider a request for modification to this requirement should

evidence be brought by the applicant or any subsequent owner that the requirement imposes a significant safety, management or vandalism problem on the owners for which no other reasonable solution is available. In no case may such amendment be requested earlier than one year after first occupancy of the building. While general public access is not required by this permit for either courtyard it is the intent of this decision that both courtyards and their abutting building spaces be so designed as to encourage active use by owners and guests for a variety of purposes throughout the day.

6. The project shall continue to be subject to the standard design review by the Community Development Department (Attachment II). It is anticipated that design details of the building shall undergo changes as design development proceeds; approval of such changes however shall only be granted consistent with the East Cambridge Development Guidelines. The design review process shall be principally concerned with the necessary refinements of materials, building form, and building details proposed in the application documents and approved as part of this permit.

Voting to GRANT the permit were Board members Joyce Bruckner, Alfred Cohn, Paul Dietrich, David Kennedy, Carolyn Mieth, and John Woolsey representing more than two thirds the membership of the Board.

For the Planning Board



Paul Dietrich,
Chairman