



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

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NOTICE OF DECISION

Case No.: #81

Premises: 108-112 Mount Auburn Street and 15-17 Bennett Street

Zoning District: Business B/Harvard Square Overlay District

Owner: President and Fellows of Harvard College

Petitioner: Carpenter/Eliot Square Associates Limited Partnership

Application Date: June 14, 1988

Date of Public Hearing: August 2, 1988

Petition: Special Permit to construct 99,805 sq ft of office and 17,772 sq ft of retail with requested relief from height limit, parking aisle size and parking requirement, and the definition of a lot in the Harvard Square Overlay District.

Date of Planning Board Decision: April 18, 1989

Date of filing the Decision: May 24, 1989

Decision (summary): GRANTED with conditions attached.

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.

Elizabeth J. Malenfant
Authorized Representative to the Planning Board

5/24/89
Date

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Application

DOCUMENTS SUBMITTED

1. Special Permit Application #81, reviewed and certified as complete on June 14, 1988, and filed with the Office of the City Clerk on June 14, 1988.
2. Harvard Square Advisory Committee Final Report on case #9
3. Assessor's Lists of ownership and the mailing list used for the notification of the public hearing, dated 7/88.
4. Engineered Boundary Map; Eliot Square Office Building; Peter Greulich, PLS; Scale 1"=20'-0", Dated February 10, 1989; Sheet 1.
5. Plans, elevations, cross sections; Eliot Square Office Building; Carpenter/Eliot Square Associates Limited Partnership; various scales; sheets 2-10; undated; certified as filed on 6/14/88.

ADDITIONAL DOCUMENTS SUBMITTED BY APPLICANT

1. Tunnel Parking Study, Bennett and Eliot Streets; The Architects Collaborative Building; Scale 1"=20'-0"; undated; filed subsequent to the public hearing held 8/2/88 at the request of the Planning Board.

2. Revised Plans, Elevations, Sections plus original boundary map: Eliot Square Office Building; variously scaled; undated; sheets 1-10, submitted March 10, 1989.
3. Parking Level Plan; The Eliot Square Office Building; The Architects Collaborative, Inc., Architects; Scale 1/8"=1'0", dated March 10, 1989; initialed by George Teso.
4. Tunnel Parking Study; The Architects Collaborative Building; Scale 1"=20'0"; endorsed by George Teso, March 23, 1989.
5. Letter to the Planning Board from John L. Hall, Carpenter/Eliot Square Associates Limited Partnership, dated March 21, 1989, revising the quantitative data sheet for the project.

OTHER DOCUMENTS SUBMITTED

1. Memorandum from George Teso, Director of Traffic and Parking for the City of Cambridge, dated March 3, 1988, regarding the Public Parking Revenue at the site.
2. Copy of the lease of premises between the Massachusetts Bay Transportation Authority and the President and Fellows of Harvard College, dated March 3, 1988, and titled Exhibit "A".
3. Proposed agreement between Robert Healy, City Manager for the City of Cambridge, and John Hall, of Carpenter Eliot Corporation, dated March 15, 1988, for the municipal parking spaces.
4. City Council Order by Mayor Vellucci establishing a moratorium of one year of building in Harvard Square, dated May 23, 1988.
5. Communication to Michael Rosenberg, Assistant City Manager for Community Development for the City of Cambridge from Robert W. Healy, City Manager of the City of Cambridge, dated May 25, 1988, re: City Council Order #13, the public parking spaces underneath the Harvard Motor Inn, requesting a report.
6. Copy of the Certificate of the Secretary of Environmental Affairs of the Environmental Notification Form for the proposal, dated July 28, 1988.
7. Letter to the Planning Board from Thomas Bracken, of Bracken and Baram, attorney representing the Harvard Square Defense Fund, communicating the motion to dismiss the application for a Special Permit.

8. Letter to the Planning Board from Phoebe Mason Bruck, Chairman of the Harvard Square Advisory Committee, dated July 28, 1988, presenting the final report of the Committee.
9. Copy of letter to John Hall of Carpenter and Company, from Richard Scali, Commission Executive Office of the License Commission, dated July 29, 1988, outlining the License requirements for a parking facility in the City of Cambridge.
10. Letter to the Planning Board from the Reverend Dr. Jennifer M. Phillips, dated August 1, 1988, opposing the proposal.
11. Letter to the Planning Board from Thomas Bracken, representing the Harvard Square Defense Fund, dated August 4, 1988, objecting to the proposal and concerning the possibility of a conflict of interest by Paul Dietrich and Hugh Russell.
12. Letter to the Planning Board from C. Denison Makepeace, II, August 4, 1988, objecting to the proposal.
13. Memo to the Planning Board from Vice Mayor Alice K. Wolf, dated August 8, 1989, re: the number of municipal parking spaces.
14. Letter to Robert W. Healy, City Manager for the City of Cambridge, from Paul Dietrich, Chairman of the Planning Board, dated August 9, 1989, requesting Assistance from the City Solicitor on interpretation of provisions of the Zoning Ordinance.
15. Letter to the Planning Board from John L. Hall, Carpenter/Eliot Square Associates Limited Partnership, dated August 9, 1989, granting an extension of time for making a final decision on the application.
16. Letter to the Planning Board from Charles Downer of Downer and Company, dated August 29, 1989, supporting the proposal.
17. Letter to the Planning Board from Russell Higley and Donald Drisdell of the Law Department of the City of Cambridge, dated September 19, 1989, interpreting provisions of the City of Cambridge Zoning Ordinance.
18. Letter to the Planning Board from William Allis, dated March 13, 1989, objecting to the proposal.
19. Letter to the Planning Board from Peter D. Kinder, dated March 21, 1989, objecting to the proposal.

20. Petition from Harriet Price, et al, dated March 21, 1989, opposing the proposal.
21. Letter to the Planning Board from Richard Hangen, PE, President of Vanasse Hangen Brustlin, Inc. Consulting Engineers and Planners, dated March 22, 1989, summarizing the results of the Traffic and Shadow Studies conducted in the Harvard Square Area.
22. Letter to Mr. Dietrich, Chairman of the Planning Board, from Fred Glimp, dated March 25, 1989, supporting the proposal.
23. Letter to the Planning Board from D. Scot MacPherson, dated March 31, 1989, supporting the proposal.
24. Letter to the Planning Board from Katherine Gormley, dated April 4, 1989, supporting the proposal.
25. Letter to the Planning Board from Norman C. Fletcher, The Architects Collaborative, Inc., dated April 4, 1989, supporting the project.
26. Letter to the Planning Board from Mark Robitz, dated April 4, 1989, supporting the project.
27. Letter to the Planning Board from Carole A. Gentile, dated April 5, 1989, supporting the proposal.
28. Letter to the Planning Board from Sheila C. Murphy, dated April 6, 1989, supporting the proposal.
29. Letter to the Planning Board from Marilyn Sabin, dated April 6, 1989, supporting the proposal.
30. Letter to the Planning Board from Jack Gottlieb, dated April 7, 1989, supporting the proposal.
31. Letter to the Planning Board from Brian Strawbridge, dated April 9, 1989, supporting the proposal.
32. Letter to the Planning Board from Sally Ackerman-Eaton, dated April 10, 1989, supporting the proposal.
33. Letter to the Planning Board from John C. Harkness, Principal, The Architects Collaborative, Inc., dated April 10, 1989, supporting the project.
34. Letter to the Planning Board from Michael and Jane Gebhart, dated April 10, 1989, supporting the proposal.
35. Letter to the Planning Board from Edward D. McNulty, dated April 10, 1989, supporting the proposal.

36. Memo to the Planning Board from Lester Barber of CDD, dated April 12, 1989, regarding the draft decision for PB #81.
37. Letter to the Planning Board from Katya Wieber, et al, dated April 12, 1989, supporting the proposal.
38. Letter to the Planning Board from Sally Alcorn, Harvard Square Business Association, dated April 12, 1989.
39. Letter to the Planning Board from Sandra Uyterhoeven, dated April 12, 1989, supporting the reduced parking proposal and objecting to the increase of height proposal.
40. Letter to the Planning Board from Brenda Stanfield, Architect, dated April 13, 1989, supporting the proposal.
41. Letter to Paul Dietrich from Eve Baltzell, dated April 14, 1989, supporting the project.
42. Letter to the Planning Board from Sally Alcorn, Executive Director of the Harvard Square Business Association, dated April 15, 18989, supporting the proposal.
43. Letter to the Planning Board from Alexander J. Stevens, received April 18, 1989, supporting the project.

PUBLIC HEARING

A public hearing was held on the proposal on August 2, 1988; pursuant to notice duly given in the manner provided by M.G.L. c.40A, Section 11. Between August 2 1988 and March 21, 1989 the applicant met with members of the Community Development Department to discuss possible changes in the project design arising out of the August 21 public hearing and secured necessary easements from the City to make execution of the project possible. At the March 21 public presentation of the revised proposal the Board considered the project in a revised form, the most significant aspects of which were a reduced height from 80 to 70 feet and a reduced floor area ratio. In addition, at the March 21 meeting traffic analysis finding and shadow studies being conducted by the applicant as part of its Environmental Impact Report for the project were presented to the Board. Those studies showed that the project would have no significant effect on either the traffic in the Harvard Square area or on the shadow cast in the vicinity. All issues centering on the leasehold held by the City were resolved by the City Council before the March 21 meeting. At both presentations comment generally favored redevelopment of the site and improvement to the public aspects of the site's development, i.e. the failure of the current structures and the failure of such structures to define and relate to the public spaces and prospective new developments that

will surround it. Preservation of the conductor's Building was generally well received, although a minority indicated that its preservation at the expense of a higher building was not an acceptable tradeoff. At each of the presentations objections were raised with respect to both the original and the revised project. These objections were that (1) the leasehold arrangements which have been secured to form the lot (i.e. the lease by Harvard University of the MBTA parcels) do not meet the requirements of lot and ownership as contained in the Zoning Ordinance and therefore the development constitutes illegal transfer of development rights, (2) the development should provide all of the parking spaces required by a literal reading of the Zoning Ordinance plus the 48 spaces which are located in the municipal lot located on the premises, and (3) that the project height of 70 feet (reduced from the original 80 feet proposed by the applicant) was excessive for the project's site and was unwarranted. Some of those opposed to the project as presented in its revised form advocated a new building containing only that floor area allowed as of right on the hotel portion of the site, i.e. a building with a height of 60 feet or less with provision for all of the parking spaces required under a literal reading of the Zoning Ordinance plus the 48 spaces located in the municipal lot located on the premises. Others, including the staff of the Community Development Department, considered the proposed building alternative suitable for its location both in height and bulk, considered the Conductor's Building an important historic relic to save and upgrade, and considered a reduction in parking consistent with similar reductions granted in the vicinity, especially in light of the City's desire to (1) reduce peak hour traffic generated by new office development, and (2) encourage reliance on public transportation for trips to Harvard Square. Furthermore, there was general support for the projects proposed public parking rate structure as an effective means of promoting short term parking in Harvard Square.

FINDINGS

1. The development has satisfied the procedural requirements of the Zoning Ordinance by review of the proposal by the Harvard Square Advisory Committee; submission of a complete application to the Board, and the holding of a public hearing.

2. The development meets the dimensional requirements of the Harvard Square Overlay District and the Business B district either as-of-right or with the issuance of Special Permits granted by the Board as part of this decision.

3. The proposed building is consistent with the objectives of the Harvard Square Overlay District, as contained in the Community Development Department's Harvard Square Development Guidelines dated July 1, 1986:

(a) The Project preserves the Conductor's Building (identified as a contributing building in the Harvard Square Overlay District and a subject of a landmark designation study by the Cambridge Historical Commission) located at the site and does a good job of incorporating the building into the new building to be constructed. The existing Harvard Motor House is a structure which has no urban or architectural merit (and is not identified as a contributing building) and the Board finds that the Project retains an important building in the Brattle Square area while upgrading the quality of the buildings in Harvard Square through the replacement of the Motor House building with a new more appropriate building.

(b) The Project respects the diversity of building form and scale within Harvard Square. The 48 foot cornice detail provides visual continuity with building forms anticipated on adjacent sites while moderating the visual impact of a larger building. The Project also enhances the street wall existing along Eliot Street and, as the Development Guidelines recommend, successfully links the development in the southwest sector, including the Charles Square Project, with the retail node existing along Brattle Street at Brattle Square. In addition, the Project proposes to upgrade the busway connecting Bennett Street and Mt. Auburn Street with landscaping to the extent permitted by the continuing operation of the transit activities. Located adjacent to the Charles Square development which rises to 110 feet and the fourth phase of the Kennedy School now under construction which will rise to above 70', and across Mt. Auburn Street from an approved commercial project on the CWT site which will at its maximum rise to 75 feet, the Motor House site development is well situated to accommodate a building of some height and bulk as shown on the plans submitted herewith.

(c) The applicant proposes a new pedestrian crossing across Mt. Auburn Street which will reinforce the public open space system leading from Harvard Square to the Charles River. In addition, the proposed upgrading of sidewalks adjacent to the project will improve the quality of the public space now existing around the site.

(d) As discussed above, the Project proposes to upgrade the busway connecting Bennett and Mt. Auburn Streets and that improved busway will enhance pedestrian movement through the area. In addition, sidewalks existing around the Project will be improved and numerous curb cuts serving the existing development on the site will be eliminated, thereby vastly improving the pedestrian environment around the site.

(e) No residential uses are proposed in the project. While a substantial number of residential units exist in the immediate vicinity of the project, and while the Planning Board would not object to residential use on the site, the applicant has chosen an alternative development scheme which the Board finds reasonable and appropriate for its location.

(f) The Project provides a creative solution to the Square's parking problems by utilizing the underground MBTA tunnel for a portion of the building's parking requirements. In addition, the relocation of the municipal parking lot within the Project's parking garage and the proposed parking rate structure will serve to improve the use of the municipal lot by short-term parkers thereby increasing the availability of public parking within the Square.

4. The Project complies with the specific requirements for Brattle Square contained in the Development Guidelines by filling the missing link which now exists between Brattle Square and the MDC pedestrian walkway running from Bennett Street to the JFK Park and the Charles River. The Project improves the public open space system by the creation of a facade following the curve of Eliot Street, thereby further improving the definition of Brattle Square. As discussed above, the pedestrian pathway from Mt. Auburn Street to the MDC walkway is further enhanced through the redevelopment of the site.

The Brattle Square guidelines state that the renovation and reuse of the Motor House block complete the much needed connection between the newer, more massive building located in the Southwest Sector with the older, somewhat smaller buildings located along Brattle Street. New buildings under construction, recently occupied buildings, and future construction already authorized all alter or will significantly alter the physical environment within which this project is to be built. The proposed construction on the Motor House site with the height shown on the plans effectively integrates this site with the emerging built

environment immediately surrounding it. The Project's use of the forty-eight foot cornice detail provides an effective visual device to connect the building to neighbors having similar intermediate building features while reducing the perceived mass of the building.

5. The proposed building height of 70 feet exceeds the as-of-right height of 60 feet in the Harvard Square Overlay District and rises above the 45 degree sky exposure plane. The Board notes that the existing Motor House itself exceeds the 60 foot height limit since the Motor House has a stairwell tower which reaches to almost 65 feet. Shadow studies conducted by the applicant and presented to the Board indicate a shadow impact only marginally worse than that produced by the existing building. The Board finds the height of the proposed building is appropriate in this location for reasons already noted in Section 3 and 4 above; the building's gross floor area is less than the maximum the zoning envelope would permit as of right on the Project's lot. As noted above, the retention and rehabilitation of the Conductor's Building is a public benefit which is made possible in part by the grant of the special permit for height in excess of sixty feet. As indicated above, the height of the proposed building is effectively integrated with its surroundings, particularly through the visual device of the 48 foot cornice line.

6. Reduction of the number of loading docks required for the Project from two, required under Section 6.83 of the Ordinance, to the one loading dock which has been proposed by applicant is appropriate since the requested relief will not cause any detriment to the public good and will not nullify or substantially derogate from the purposes of the Ordinance. Since the project site is bounded by major streets on three sides a literal enforcement of the loading requirements would involve undesirable, and potentially hazardous, traffic patterns and vehicular/pedestrian conflicts. The provision of the proposed enclosed, off-street loading dock will adequately serve the uses of the Project.

7. The provision of valet-type parking in the MBTA tunnel and under the Conductor's Building makes efficient use of those resources for office tenants of the project; therefore it is appropriate to permit relief from the aisle width and other dimensional requirements of the Ordinance with respect to such parking so that the Project may provide up to 69 spaces in the MBTA tunnel and up to 8 spaces under the Conductor's Building in the manner shown on the plans submitted to the Board and approved by the City's Traffic Department.

8. The applicant has proposed crediting two thirds of the public spaces required to be on the site through public easement to the parking requirement generated by the new development; that

figure represents the portion of the time in a year to which the applicant has exclusive rights to the parking spaces provided. Such a credit would permit the development to meet the parking required by zoning for the new development with only a special permit to allow that parking to be provided in tandem with valet service. The Board finds that some credit for the public spaces is reasonable, particularly as they serve the retail uses in the new development. Sundays, evenings, and some holidays are now active shopping times (all of which times are available exclusively to the land owner) and some portion of the office users could be expected to use the parking in off-hours. Nevertheless, for most office users the demand for parking spaces is precisely at those daily peak hours when the City has the exclusive use of the easement spaces. Credit of all of the late night availability of spaces to the parking need generated in the mid-day hours would not seem consistent with the intent of the zoning ordinance in establishing a minimum parking requirement for office uses. Therefore the Board finds that it is inappropriate to credit fully all the time not available to the public under the terms of the easement to the new development. For the above reasons the Board finds it most appropriate that the parking to be provided be judged to require a reduction of required parking within the meaning of Section 6.35 of the Ordinance, such reduction is hereby approved as being consistent with the public good since the Board believes the parking is adequate under the circumstances and since:

(a) The lesser amount of parking will not cause excessive congestion nor endanger public safety. The current parking plan improves the numerous vehicular access points located at the existing Motor House by providing a more efficient means of ingress and egress to the project site. In addition, if there were more parking spaces, it could increase overall traffic volume in the Square.

(b) The lesser amount of parking will not reduce parking availability for other uses in the area. In fact, the municipal parking spaces which will be relocated in the Project's parking garage will be operated in such a manner as will promote short term parking therein, thereby increasing its effective capacity for retail uses in particular. Such operation will serve to improve the availability of short term parking in Harvard Square.

(c) The project site is within convenient walking distance of an entrance to the Harvard Square bus and rapid transit station. It is reasonable to expect that office users in this building can achieve at least the level of transit usage among their employees as has been reached by other Harvard Square office users located at a greater distance from the station.

Therefore a requirement of this permit is appropriate mandating of a traffic mitigation plan encouraging non-auto access to the site.

(d) The reduction in parking granted is consistent with similar reductions authorized at 1280 Massachusetts Avenue, at 102-106 Mount Auburn Street and at One Brattle Square.

9. A portion of the new building will be constructed on land owned in fee simple by the President and Fellows of Harvard College and a portion of the new building will be constructed on land owned by the Massachusetts Bay Transportation authority and leased to Harvard pursuant to a long-term ground lease. The Board finds that the combined land parcels are being built upon as a unit and conform to the "lot" and "ownership" requirements of the zoning ordinance.

Much discussion has revolved around the issue of "transfer of development rights" from one of the two constituent parcels of the lot (i.e. from the MBTA owned parcel to the Harvard University owned parcel). As the MBTA parcel is viewed as undevelopable by some persons under its current usage, the shifting of development potential onto the adjacent parcel is viewed as contrary to the intent if not the letter of the zoning ordinance. The feasibility of full development of the MBTA parcel is difficult to assess; such development is likely to be physically possible (as has occurred in Kendall Square) although undoubtedly costly. However at least a portion of the MBTA parcel (the site of the Conductor's Building, ca. 4,000 square feet) is fully developable in the traditional way; in a combination with the abutting Motor House parcel a building of 86,000 square feet could be produced at the full 4.0 FAR allowed (23,000 square feet less than is proposed to be constructed). As the Board finds that the lot as presented conforms to the requirements of the Zoning Ordinance, it is the Board's responsibility to assess the appropriateness of the building and uses proposed and the zoning relief sought. While a review of the policy implications of leased property arrangements under circumstances such as this may be appropriate, now that the issue has been highlighted by this application, this specific project is appropriately judged solely on the basis of the physical plan presented to the Board. Since the Board finds the size, use and disposition of the building acceptable based on the standards of the permits sought, the ownership arrangement should not be an issue in the granting of those permits and accordingly the Board approves the project as designed on the subject parcels.

While the leasehold arrangement of ownership in this instance has raised legitimate concerns, the arrangement does provide some public benefits as well: the lease with a commercial development entity obligates the MBTA to actions, or to refrain from action on its site which could negatively impact abutters or the general

public (as for instance by eliminating the potential for building adjacent to the Craigie Arms or for building over the bus layover area).

10. Based on the record as a whole, and after the public hearings the Board finds that granting the requested relief will not be a detriment to the public interest and therefore is permitted under the criteria of Section 10.43 generally applicable to special permits. The specific provisions applicable to the grant of the requested relief by special permit have been satisfied and none of the factors specified in Section 10.43 provide any reasons to deny such relief since:

(a) Except as provided herein, the Project complies with the requirements of the Zoning Ordinance;

(b) The access and egress from the Project will not cause congestion, hazard, or substantial change in the established neighborhood character;

(c) The continued operation and development of adjacent uses will not be adversely affected;

(d) No nuisance or hazard will be created by the Project; and

(e) The proposed use of the property will not impair the integrity of the district or of any adjoining district, not otherwise derogate from the intent and purpose of the Zoning Ordinance.

RELIEF GRANTED

After review of the application, comments heard at the public hearings, review of documents submitted to the Board, and discussions with the staff of the Community Development Department the Board GRANTS a Special Permit for additional height and to waive the sky exposure plane requirements, as authorized in Section 11.542 of the Zoning Ordinance to allow the applicant to construct the project on the subject parcels as a single lot in the manner shown on the plans which have been submitted to the Board (Section 10.45); GRANTS a Special Permit to reduce the number and dimension of the loading bay to be provided to the Project in the manner shown on the plans submitted to the Board; GRANTS a Special Permit to allow valet-type parking in the MBTA tunnel and beneath the Conductor's Building in the manner presented to the Board, and accordingly waives the aisle width and other dimensional requirements set forth in the Ordinance with respect to such parking (Section 6.435); and GRANTS a Special Permit to allow the Project's parking to be provided in a manner and quantity which is consistent with the plans submitted to the Board (Section 6.35);

the foregoing special permits are subject to the following conditions and limitations:

1. The final plans submitted to the Superintendent of Buildings for a building permit shall conform to the dimensional limitations detailed in Appendix I. Said plans shall also conform in general detail to the revised plans referenced above. The project shall continue to be subject to design review through the Community Development Department; the Department shall certify to the Superintendent of Buildings that the plans submitted for a building permit conform to the conditions of this permit before issuance of a building permit.

2. The owners in fee of the parcels constituting the zoning lot (President and Fellows of Harvard College and the Massachusetts Bay Transportation Authority) shall file confirmatory certificates on the land records of their parcels, in a form satisfactory to the City Solicitor and prior to issuance of a building permit, that shall indicate that the present and all future owners of the property are bound by the zoning lot supporting the project approved by this special permit and that no changes in the ownership of any portion of such zoning lot shall be permitted which affect the validity of such lot for the project. All new construction (i.e. construction of additional structures other than this project) undertaken by such property owners which is not consistent with the plans and conditions approved by this special permit or any amendment thereto shall be considered a violation of the permit and may result in its revocation if not brought into compliance. Any future change in the fee or leasehold ownership status of the parcels which constitutes the zoning lot which have the effect of altering the conformity of the approved construction to the dimensional standards of Appendix I (it being intended by this decision that no such change may have such effect) shall only be permitted as an amendment to this special permit, or the project approved by this permit shall be considered in violation of the zoning ordinance and shall be removed. This special permit shall only be granted for that length of time the constituent parcels are legally tied together as the zoning lot of record (it being intended by this Decision that such parcels shall be legally tied together as the zoning lot of record for as long as this project or any reconstruction of this project following casualty is in existence).

3. The applicant shall undertake improvements to the abutting city sidewalks as indicated on the approved plans, consistent with the improvements in Harvard Square undertaken by the MBTA and applicable city standards.

4. Any alteration or restoration of the exterior of the Conductor's Building shall be approved by the Cambridge Historical Commission.

5. The permittee shall develop, and submit for approval of the Planning Board before June 1, 1990, a Traffic Mitigation Plan which contains one or more of the appropriate elements of the following:

- * Establish a commuter mobility program for employees, including provision of support staff or participation in area-wide Transportation Management Association (TMA) including one or more of the following elements as appropriate:
 - Formulate rideshare program;
 - Sell MBTA passes and provide route and schedule information on-site;
 - Subsidize MBTA passes;
 - Encourage flexible work hours by providing utilities off-hours at no premium;
 - Reserve parking spaces for high-occupancy vehicles;
 - Operate shuttle services to remote parking facilities, transit stops, and/or tenant employee residences; and
 - Provide discount parking spaces for rideshare vehicles.

- * Provide a differential parking rate structure to encourage short-term use as opposed to commuter parking;
- * Reserve parking spaces for neighborhood residents at night and on weekends; and
- * No early-bird rates or all-day discounts.
- * Construct transit shelters at bus stops adjacent to project; and
- * Provide direct connection to rail stations.
- * Provide increased pedestrian capacity by constructing arcades (with design approval);
- * Grant public pedestrian easements through building plaza and/or lobby; and
- * Enhance pedestrian environment with benches, plantings, etc.
- * Contribute cash for signal improvements, streets or intersection geometric changes;
- * Participate in a Transportation Management Association for area-wide planning and/or infrastructure improvements; and
- * Provide on-site child care for employees.
- * The costs of these measures and the parties responsible for implementation should be discussed in this section, as should funding mechanisms.

Such traffic plan shall be designed to reduce the number of auto trips and off site parking generated by the approved project.

The permittee shall enter into a contractual agreement with the City of Cambridge to ensure enforcement of the approved Mitigation Plan.

The Department shall certify to the Superintendent of Buildings that such mitigation plan has been approved by the Board before issuance of a building permit.

6. A linkage payment in the amount of \$158,258 [$\$2.00 \times (109,129-30,000)$] shall be made in conformity with the requirements of Section 11.200 of the Zoning Ordinance.

7. Valet service shall be provided on site during normal business hours, but at a minimum between the hours of 8:00 A.M. and 7:00 P.M. weekdays, to provide all access to the parking spaces authorized by this permit in the tunnel and beneath the Conductor's Building.

8. The Traffic and Parking Department shall review and certify to the Community Development Department that the layout of the parking spaces is acceptable to the Department. The Community Development Department shall be in receipt of the certification prior to making the certification to the Superintendent of Buildings as required in condition #1.

9. Any change in the project required as a result of the state EIS process shall be submitted to the Planning Board for review and approval.

Voting to grant the special permits were A. Callaghan, A. Cohn, H. Russell, P. Dietrich and C. Cooper being two thirds the membership of the Board. Voting to deny the permit was C. Mieth.

For the Planning Board,


Paul Dietrich, Chairman

Dimensional Form

	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Floor Area Ratio (Floor Area)	<u>4.0</u> <u>(134,456)</u>	<u>1.75</u> <u>(9,085)</u>	<u>3.39*</u> <u>(114,229)</u>	<u>3.39*</u> <u>(114,229)</u>
Max. Height	<u>80'</u>	<u>64'8"</u>	<u>70'0"</u>	<u>70'0"</u>
Max. Angle Above Cornice Line	<u>45° above 55'</u>	<u>NA</u>	<u>45° above 60'</u>	<u>45° above 60' **</u>
Min. Lot Size	<u>none</u>	<u>33,614</u>	<u>33,614</u>	<u>33,614</u>
Min. Lot Area per d.u.	_____	_____	NA	_____
Max. No. d.u.	_____	_____	NA	_____
Min. lot width	_____	_____	NA	_____
Min. yard setbacks	_____	_____	NA	_____
Front	_____	_____	_____	_____
Side L	_____	_____	_____	_____
R	_____	_____	_____	_____
Rear	_____	_____	_____	_____
Ratio Usable Open Space (Area)	_____	_____	NA	_____
Off-Street Parking Minimum No. Spaces	<u>89 office</u> <u>16 retail</u> <u>48 municipal</u>	<u>74</u>	<u>(72 office tandem</u> <u>48 municipal</u>	<u>72 office tandem</u> <u>48 municipal</u>
Maximum No. Spaces	_____	_____	_____	_____
No. Handicapped Spaces	<u>2</u>	_____	<u>3</u>	<u>3</u>
Bicycle Spaces	<u>15</u>	_____	<u>15</u>	<u>15</u>
No. Loading Bays	<u>2</u>	_____	<u>1</u>	<u>1</u>

* FAR of 3.24 exclusive of transformer building 109,129 square feet of commercial construction

** Sky exposure plane may be penetrated to the maximum height of 70' as a minor amendment from the Planning Board.

-91-