



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

PUD DEVELOPMENT PLAN DECISION

CASE NO.: PB-12
PETITION: Special Permit for a Planned Unit Development
PROJECT: Kennedy Square Mixed Use Development
APPLICANT: Kennedy Square Associates, a Joint Venture of KSA Properties, Inc. and Carpenter/Cambridge Associates
DISTRICT: PUD-1
DEVELOPMENT PARCEL LOCATION: Parcel 1-B, Southwest Sector, Harvard Square
APPLICATION DATE: February 26, 1981
FIRST PUBLIC HEARING: March 31, 1981
PLANNING BOARD DETERMINATION: April 21, 1981
FINAL DEVELOPMENT PLAN SUBMISSION: May 29, 1981
SECOND PUBLIC HEARING: June 2, 1981
PLANNING BOARD DECISION: June 23, 1981

THE APPLICATION

In support of the Final Development Plan petition the applicant submitted the following documents:

1. Planned Unit Development Application, Final Development Plan; Parcel 1-B, Southwest Sector, Harvard Square, PUD-1; Kennedy Square Associates; May, 1981. Submitted May 29, 1981.
2. Plans and Elevations, numbers 1-29 entitled "Kennedy Square, Parcel 1-B Southwest Sector, Harvard Square, Cambridge, Mass.", original date February 12, 1981 with various revision dates. Submitted May 29, 1981.
3. Sketch Drawing #1, Revised Truck Dock, dated June 19, 1981. Received June 18, 1981.

PUBLIC HEARING

A public hearing was held by the Planning Board on the above referenced petition on June 2, 1981 at 7:30 P.M. in the Conference Room, Community Development Department to review the proposal in light of the Determination made by the Board on April 21, 1981.

Applicant: Richard Friedman, Charles Redman, Gary Johnson and Peter Kuttner were present to explain the changes made in the proposal in response to the Board's adopted Determination. Mr. Friedman explained that the basic concept and the essential physical elements of the proposal had not changed; nevertheless adjustments and modifications were made to reflect concerns expressed by the Board.

Among the major changes described were:

- The addition of eighteen handicapped parking spaces on the two levels of the parking garage.
- Revisions to University Road and auto access to the condominium portion of the development.
- Explorations of possible treatments for the park-side garage wall and the facades of buildings as indicated in the plans and elevations presented in the application. These efforts will continue.
- Studies of the shadows produced by the building at various times of day and year. In general, except for mid-winter, shadows are substantially confined to the site and adjacent roads. Within the site much of the entry court and central courtyard remain in sunlight through mid-day.

In response to a number of questions and concerns expressed by members of the Board the applicant made the following comments:

- The project is being pursued with enthusiasm and the design, while more understated than the previous one, will be of the highest quality.
- The current proposal reduces generated traffic by fifty percent over the previous mix of uses. The project can work with or without a direct access to Memorial Drive.
- The central courtyard and other public open space will be available for public use.
- Wind effects of the structure will be further studied; nothing in the nature of the design should create more than local effects which can be handled with appropriate landscaping and building detailing.

- Less than 5% of the generated traffic will use the courtyard level dropoff. Changes of level and landscaping will reduce the visual impact of that activity on courtyard users.
- The use of white-framed windows against the red brick will be further considered to insure that it is appropriate as a sympathetic reference to the prevailing "Harvard" architectural tradition.

Public Comments - A number of the general public attended the hearing; no one wished to make a formal comment on the proposal. No one spoke in opposition to the development as presented.

PLANNING BOARD DISCUSSION AND REVIEW

The Planning Board reviewed the documents submitted with the Final Development Plan, considered all comments made at both public hearings and considered comments made by the Community Development staff in reaching its decision.

Extensive discussion between the applicant and the staff on road improvement issues took place at a meeting held with representatives from Harvard University, the Department of Traffic and Parking, Kennedy Square Associates and the Community Development staff held on Monday, June 15, 1981.

FINDINGS

After consideration of all information available to it the Board has made the following findings:

1. All procedural requirements of Section 12.30, .343, and .36 have been met with the submission of a Development Proposal Application on February 26, 1981; a first public hearing on March 31, 1981; a Planning Board favorable Determination on the Development Proposal on April 21, 1981; submission of the Final Development Plan on May 29, 1981; and a second public hearing on the Final Development Plan on June 2, 1981.
2. The Final Development Plan contained revisions which adequately addressed the conditions outlined in the Determination approved by the Board on April 21, 1981.
3. The Final Development Plan conforms to the General Development Controls set forth in Section 12.50 of the Ordinance.
 - a. Existing Plans. The Kennedy Square proposal is consistent with existing policy statements applicable to Harvard Square and with the implied policy intent of existing applicable zoning requirements. The current Final Development Plan continues to be consistent with and conform to the existing policy plans relating to Harvard Square as determined by the Board in section 12(a) of its October 9, 1979 Decision concerning this District.

- b. Roadway Construction. Bennett Street and University Road will be reconstructed to standards approved by the Department of Traffic and Parking. Conditions 6 of this approval will ensure that adequate right-of-way will be transferred to the City which will permit the City to make such improvements to public streets.
 - c. Utilities. All utilities will be installed consistent with standards of the appropriate departments of the City of Cambridge and private utilities.
 - d. Landscaping. All open areas not used for driveways or walkways will be suitably landscaped as indicated on various maps and text submitted as part of the Final Development Plan Application. The use and treatment of public spaces continues to be a major concern of the Board. Staff review of the design details as they are developed is a condition of this approval.
 - e. Environmental Performance Standards. The current proposal will conform with Section 12.56 of the Zoning Ordinance and will in particular generate significantly less traffic than the previous proposal.
4. The Final Development Plan conforms to the requirements for a PUD-1 District as specified in Section 13.20 including without limitation the following:
- a. All uses proposed are allowed by subsection 13.221.
 - b. All dimensional regulations are in conformance with the requirements of Section 13.23. Conditions imposed on the applicant may involve the taking of a small portion of the development parcel along University Road and Bennett Street by the City for roadway improvements. Any such taking shall not however result in a violation of any dimensional requirements of the PUD-1 District due to other provisions of the zoning ordinance.
 - c. All heights, excluding the customary exception for mechanical penthouses, conforms to the limitations of Section 13.24 and are permitted in recognition of the public benefits which thus ensue: (1) public plazas and courtyards, (2) an enclosed parking structure providing public spaces for visitors to all of Harvard Square, (3) bicycle parking and (4) amenity improvements to adjacent streets as a result of removed existing off-street parking.
 - d. The Planning Board remains concerned that the usable open space provided will not be sufficiently inviting to encourage active general public use. The mass of the buildings surrounding the courtyard and the lack of direct pedestrian connection from it to the JFK Park place much importance on the final architectural and landscape details to secure a pleasant and inviting environment in these public spaces. Therefore, the Board requires the applicant to devote particular atten-

tion to these features in final design and submit results to the Community Development Department staff for review.

- e. As a condition of approval, the Board has requires Department review of measures proposed to mitigate the impact of large expanses of wall on users of the perimeter spaces of the project.
 - f. The parking and loading facilities required by the Zoning Ordinance meet the requirements of Subsection 13.27, and of Article 6.000 before its substantial revision after the submission of the subject PUD application. The provision of valet parking and compact spaces as shown on various maps and text shall be permitted by the Board in recognition of changing auto usage and parking requirements incorporated into the newly adopted Article 6.000.
5. The Planning Board finds that the Kennedy Square Planned Unit Development will provide benefits to the City which will outweigh any adverse effects as required in Section 12.353(3) of the ordinance.
- a. The site design is adequate in the integration of the uses proposed, compatible with existing and anticipated neighboring land uses, and in the open space and other amenities provided. Details of these various aspects of the design continue to be of concern to the Planning Board and are the subject of conditions set for approval.
 - b. The proposal will generate less traffic than the previously approved development. Proposed improvements to Boylston and Eliot Streets to be made by the City and other public agencies, and to University Road and Bennett Street to be made by the City on public portions, the MBTA, the applicant and other private abutters will promote an adequate level of traffic service to the development and throughout Harvard Square.
 - c. Utilities other than roadways are adequate now to accept the additional demands to be placed on them by the development.
 - d. Kennedy Square will impact the City in many ways; in general, however, these impacts are consistent with those anticipated from any development presupposed by the zoning and other development controls applicable to the site and are of a magnitude acceptable to the City.
 - e. It is anticipated that Kennedy Square will have a positive fiscal impact on the City and will generate more revenue to the City than costs its operation will impose.

6. The Final Development Plan is in harmony with the general purpose and intent of the Zoning Ordinance. As required by M.G.L. c.40A, 9, the Final Development Plan provides for a mixed use development on a plot of land containing more than sixty thousand square feet in which a mixture of residential, open space, commercial, industrial or other uses and a variety of building types are determined to be sufficiently advantageous to render it appropriate to grant special permission to depart from the normal requirements of the district to the extent authorized by the Ordinance. There are no particulars of the location or proposed uses, not generally true of the district or of the uses permitted in it, which would cause granting of the special permit granted hereby to be to the detriment of the public interest.

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 the revisions previously requested by the Board, subject to the Conditions as set forth herein, being agreed to in writing by the developer, the Board hereby:

- (a) approves the Final Development Plan pursuant to Section 12.36, Final Development Plan, as so designated on the documents, plans and graphics submitted to the Board;
- (b) grants a Special Permit to construct a PUD in accordance with this decision;
- (c) approves, pursuant to Section 13.234 the setbacks as shown on the Final Development Plan; and
- (d) permits the following uses, all of which are allowed by Section 13.221 and accessory uses:
 - (i) 4.31(g) - Residential - Multi-family dwelling;
 - (ii) 4.31(i) - Residential - Transient Accommodations;
 - (iii) 4.33(f3,h2) - Library or Museum;
 - (iv) 4.33(h1) - Private Non-Profit Club or Lodge, Etc.;
 - (v) 4.32(b) - Automobile Parking Lot or Parking Garage, Etc.;
 - (vi) 4.34 - Office and Laboratory Use - All Categories; and
 - (vii) 4.35 - Retail Business and Consumer Service Establishments - All categories subject to the limitations in paragraph 3 below.

The developer hereby granted the Special Permit may hereafter seek amendments to the Final Development Plan only if difficulties are encountered in construction which could not have reasonably been foreseen.

1. The project shall contain not more than 550,000 square feet of gross floor area as defined in Article 2.000 of the Ordinance nor more than 830,000 square feet of total floor area including areas devoted to parking and interior circulation.
2. The mix of uses and gross floor area devoted to each shall be substantially as indicated on various maps and pg. 24 of the application. Changes in the gross floor area of such uses in excess of 10% of the figures indicated shall be considered a major amendment under Section 12.37. The maximum gross floor area of any retail establishment shall not exceed 15,000 square. The Planning Board may however at any regular meeting thereof later approve a retail establishment up to but not exceeding 18,000 square feet.
3. All retail and consumer service establishments listed in Section 4.35 are hereby permitted except the following:
 - 4.35(i) Commercial recreation establishment.
 - 4.35(i) Mortuary, undertaking or funeral establishments.
 - 4.35(l) Veterinary establishment, kennel, but pet shops shall be allowed.
 - 4.35(m) Sales place for new or used cars, but auto rental agencies shall be allowed.
 - 4.35(n) Office, including display or sales space of a wholesale, jobbing, or similar establishment.
 - 4.35(o) Fast order food establishments including those containing less than 1750 square feet; provided fast order food establishments may be permitted if granted a separate special permit from the Planning Board following the procedures and criteria specified in Sections 10.40 and 11.30.
4. All parking associated with the project shall be contained within the garage with the exception of the live spaces indicated at the hotel and residence entries. No fewer than 692 long-term garage spaces shall be provided and of that number no fewer than 390 spaces shall be full sized (8'6"x20'). At least 350 spaces must be priced for short-term, high turnover use and at least fifty percent of those shall be full sized. The entrance and exit to the public portion of the garage shall be designed so that it may be reversed from that shown on the maps submitted as part of the Final Development Plan application. Kennedy Square Associates shall work with the Department of Traffic and Parking to operate the flow of traffic to and from the garage to ensure its integration with surrounding traffic patterns.
5. The following conditions with respect to architectural and urban design features are hereby imposed.
 - a. The architects shall study ways to break cornice lines to the extent found feasible and functionally viable so as to give

the forms of the project a less monolithic appearance. Attempts shall be made to provide modulation to facades which now appear to be flat.

- b. Very special design attention shall be directed toward those portions of the development which will most directly impact pedestrians: (1) JFK Park edge, (2) pedestrian connector edge, (3) University Road edge, and (4) the central courtyard and pedestrian lane. Large expanses of wall face shall be broken down through the introduction of retail shop fronts; other transparent elements; lighting, landscaping and similar amenities; modulation of wall surfaces; other variations in wall treatment. A safe, comfortable, inviting, well scaled pedestrian environment shall be created.

To further animate the central courtyard and provide purposeful reason for general public use of the space, a pedestrian access shall be provided from the courtyard to the future JFK Park through the opening now provided in the housing block, by readjusting the southeasterly blocks of housing, or through any other alteration of the housing structures which would permit more direct visual and pedestrian access to the park from the courtyard.

- c. Pedestrian access to JFK Park from the University Road corridor shall be maintained.
6. Upon request by the City of Cambridge Kennedy Square Associates shall agree to a taking of portions of Parcel I-B without cost to the City along the full length of University Road and Bennett Street as they abut the development parcel to permit the construction of those streets by the City in conformance with such designs as may be approved by the Department of Traffic and Parking provided that in no case shall such conveyance require the redesign or relocation of the structure as presented in the application documents. All road design shall be in conformance with Section 12.532.
7. All other aspects of the development plan shall remain generally as represented in the documents submitted on May 29, 1981 as part of the Final Development Plan application.
8. Construction of Kennedy Square shall comply with such of the noise mitigation measures suggested in the EIR as are required to bring the project into compliance with the Cambridge Noise Ordinance.
9. The level of the water table shall be monitored throughout the construction of the project. Construction processes shall include necessary measures to avoid materially disturbing the existing water table.
10. All signs proposed to be erected on the structure which would be visible from any public way shall be reviewed and approved by the Community Development Department in accordance with the Small

11. The applicant shall submit project drawings to the Community Development Department at the completion of the design development phase, and working drawings at the 75% and 90% completion stages. The purpose of these submissions will be for the staff to determine compliance with the Final Development Plan, including the design intent expressed in the accompanying graphic materials and with this decision and the conditions imposed hereby. During the reviews the staff shall determine whether or not the project has undergone any modifications which would constitute an amendment to the Final Development Plan under Section 12.37. 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.
12. Compliance with each of the conditions contained in this decision shall be conclusively evidenced by a written certificate signed by the Board. The Board reserves the right to the extent permitted by law, to waive compliance, in whole or in part, with any or all of such conditions by a written instrument signed by the Board; such waiver shall not constitute an amendment to the Final Development Plan.

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 which is more than two-thirds of the total membership of the Board. Voting to grant the Special Permit were Board members Arthur Parris, Alfred Cohn, Geneva Malenfant, John Woolsey and John O'Connor. Members not present were David Kennedy and Paul Dietrich.

Respectfully submitted,

For the Planning Board

Arthur C. Parris
Chairman

ATTEST: We, Richard L. Friedman and Peter Chermayeff, duly authorized representatives of the Applicant, have read this decision prior to action by the Planning Board and hereby agree to the foregoing conditions as approved by the Planning Board.

Kennedy Square Associates

By _____
Richard Friedman Date _____

By _____
Peter Chermayeff Date _____

ATTEST: A true and correct copy of the decision filed with the office of the City Clerk on _____ by _____, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

Twenty days have elapsed since the filing of this decision. No appeal has been filed _____.

Appeal has been filed but has been dismissed or denied _____.

Date: _____
City Clerk, City of Cambridge