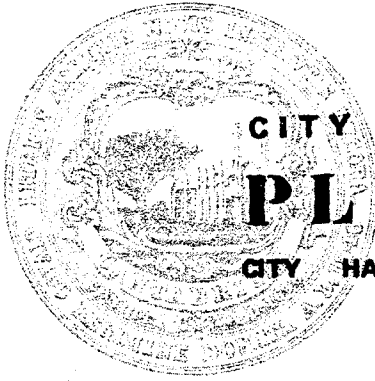


*office use 2nd floor*



**CITY OF CAMBRIDGE, MASSACHUSETTS**

**PLANNING BOARD**

**CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139**

**NOTICE OF DECISION**

**Case No: PB#120 - Major Amendment #4**

**Address: 100-102, 104 Mount Auburn Street, 91-93 Winthrop Street**

**Zoning: Business B/Harvard Square Overlay District**

**Owner: Eliot Square Enterprises, Inc.**

**Applicant: Eliot Square Enterprises, Inc.**

**Application Date: October 10, 1996**

**Public Hearing: November 19, 1996**

**Planning Board Decision: December 3, 1996**

**Date of Filing Decision: December 27, 1996**

**Date of Major Amendment Application: December 12, 1997**

**Date of Major Amendment Public Hearing: January 6, 1998**

**Date of Major Amendment Decision: January 6, 1998**

**Date of filing Major Amendment Decision: February 10, 1998**

**Date of Major Amendment Application #2: October 29, 1998**

**Date of Major Amendment Public Hearing #2: January 5, 1999**

**Date of Major Amendment Decision #2: January 5, 1999**

**Date of filing Major Amendment Decision #2: February 10, 1999**

**Date of Major Amendment Application #3: February 19, 1999**

**Date of Major Amendment Public Hearing #3: April 6, 1999**

**Date of Major Amendment Decision #3: April 6, 1999**

**Date of filing Major Amendment Decision #3: April 15, 1999**

**Date of Major Amendment Application #3: June 11, 1999**

**Date of Major Amendment Public Hearing #3: September 7, 1999**

**Date of Major Amendment Decision #3: September 7, 1999**

**Date of filing Major Amendment Decision #3: September 16, 1999**

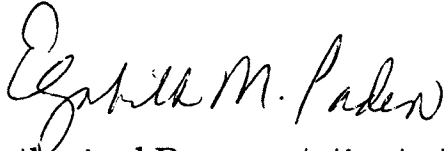
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CITY OF CAMBRIDGE  
PLANNING BOARD  
OCT 11 1996

Application: Major Amendment to the Harvard Square Overlay District  
Special Permit #120 to allow office use on the second floor.

Decision: 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 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 the Community Development Department and the City  
Clerk.

A handwritten signature in cursive script, reading "Elizabeth M. Paden". The signature is written in black ink and is positioned above the typed name.

Authorized Representative to the Planning Board

Case No: PB#120 - Major Amendment #3

Address: 100-102 Mount Auburn Street, 91-93 Winthrop Street

Zoning: Business B/Harvard Square Overlay District

Owner: Eliot Square Enterprises, Inc.

Applicant: Eliot Square Enterprises, Inc.

Application Date: October 10, 1996

Public Hearing: November 19, 1996

Planning Board Decision: December 3, 1996

Date of Filing Decision: December 27, 1996

Date of Major Amendment Application: December 12, 1997

Date of Major Amendment Public Hearing: January 6, 1998

Date of Major Amendment Decision: January 6, 1998

Date of filing Major Amendment Decision: February 10, 1998

Date of Major Amendment Application #2: October 29, 1998

Date of Major Amendment Public Hearing #2: January 5, 1999

Date of Major Amendment Decision #2: January 5, 1999

Date of filing Major Amendment Decision #2: February 10, 1999

Date of Major Amendment Application #3: February 19, 1999

Date of Major Amendment Public Hearing #3: April 6, 1999

Date of Major Amendment Decision #3: April 6, 1999

Date of filing Major Amendment Decision #3: April 15, 1999

**Date of Major Amendment Application #4: June 11, 1999**

**Date of Major Amendment Public Hearing #4: September 7, 1999**

**Date of Major Amendment Decision #3: September 7, 1999**

**Date of filing Major Amendment Decision #3: September 16, 1999**

### **Application**

1. Letter from Daniel C. Crane, Finn and Crane, representing the Eliot Square Enterprise Trust, to Paul Dietrich, c/o Lester Barber, CDD staff, dated 6/11/99, outlining the request to amend the special permit granted on December 3, 1996, and as amended on January 6, 1998, February 10, 1999 and April 6, 1999.

2. The Harvard Square Advisory Committee Report, dated September 7, 1999.

3. Cambridge Historical Commission Certificate of Appropriateness, dated 2/5/99

**Additional Documents**

Office Elevation Study, sections of link to Tweeters, interior elevation, and Mount Auburn Street elevation, dated July 13, 1999, and Retail Study Retail Leasing Consideration, second floor.

**Public Hearing**

The public hearing was held on September 7, 1999. Daniel Crane, attorney for the applicant, Peter Palandjian, the applicant, and Carol Chiles, of Tsoi/Kobus and Associates, the architect, were present. Mr. Crane presented the basic elements of the amendment which is to allow office as a permitted use on the second floor of the building. He explained that the retail leasing to date has not been successful. It has been difficult to interest tenants in a two story retail space.

Carol Chiles of Tsoi Kobus & Associates was available to answer questions concerning the window treatments in the proposed office space and the details which would prevent the windows from being cluttered with office equipment.

The proposal for the above change was reviewed by the Harvard Square Advisory Committee and several of the members expressed support for the amendment and that the connection should be made as transparent as possible.

The applicant indicated that the proposal was also reviewed by the Cambridge Historical Commission and was issued a Certificate of Appropriateness.

There were comments from the public concerning the abutting Winthrop Park.

The Planning Board reiterated the desire for the second floor finish to be as transparent as possible.

**Findings**

The Planning Board finds the proposed amendment to the special permit and the changes proposed to the development plan consistent with the intent of the Zoning Ordinance generally, the objectives of the Harvard Square Overlay District, and the original special permit.

1. The use of the second floor as office does not substantially change the character of the building.
2. The proposed change was supported by the Harvard Square Advisory Committee at its June 24, 1999 meeting.

### **Decision**

After review of the application documents, and discussions at the public hearing, and based on the above findings, the Planning Board **GRANTS** a Major Amendment #4 to Special Permit PB#120 to allow office as a permitted use on the second floor. All other waivers and special permits granted in the original special permit, continue to be in effect. The project continues to be subject to the same conditions and limitations as outlined in the original special permit #120 and in the first, second and third major amendments.

The project shall be subject to continuing design review by the Community Development Department. In its review, the Community Development Department shall ensure that the use of the space for office shall be designed so as to minimize or eliminate any substantial blocking of windows. There should be no indication of office clutter visible from the street. Final plans submitted for issuance of a building permit shall be substantially consistent with the approved plans dated October 10, revised December 13, 1996, and amended by submittals dated March 1997, and revised February 8, 1999, and with the approved dimensional limitations as approved by the Board and set forth in **Amended** Appendix I and as illustrated in the Proposed Scheme dated July 13, 1999 by Tsoi/Kobus & Associates. Before issuance of a building permit the Community Development Department shall certify to the Superintendent of Buildings that the final plans are consistent with and meet all conditions of this Decision.

The applicant shall develop an appropriately scaled traffic and parking mitigation plan with the assistance of the staff of the Community Development Department Environmental Division. The plan shall be approved by the Planning Board at a regular meeting of the Board before issuance of any Certificate of Occupancy for any portion of the building (except the currently occupied building).

Voting to grant the Major Amendment #4 to the special permit were H. Russell, W. Tibbs, F. Darwin, B. Shaw, T. Anninger, L. Brown, and S. Lewis, constituting at least two thirds of the membership of the Board.

For the Planning Board,

A handwritten signature in cursive script that reads "Florrie Darwin" followed by a small monogram "FMP".

Florrie Darwin, Interim Chair

A copy of this decision shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on September 16, 1999 by Elizabeth M. Paden, 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 (20) days have elapsed since the filing of this decision.

No appeal has been filed.

DATE:

City Clerk  
City of Cambridge

APPENDIX I - AMENDED Dimensional Form

PB#120, Major Amendment #4      Winthorp Square

	Allowed/Required <sup>(1)</sup>	Existing	Proposed	Granted
<b>FAR</b>	1.0/4.0	2.75	3.63	3.63
<b>Floor Area</b>	95,380 sf	65,580 sf	86,610 sf	86,730 s.f.
<b>Max Height</b>	60 ft	less than 45 ft	80 ft	80ft
<b>Max Angle above cornice line</b>	45°	45°	45°	45°
<b>Min Lot Size</b>	5,000 sf	n/a*	23,854 sf <sup>(2)</sup>	23,854sf
<b>Min Lot area/du</b>	300 sf	n/a**	477 sf	477sf
<b>Max # du</b>		n/a**	12	12
<b>Min Lot Width</b>	50 feet/none	n/a**	100.5 ft	100.5 ft
<b>Min Yard Setbacks</b>				
<b>Front</b>	22 ft/none	n/a*	24 ft	24 ft
<b>Side Left</b>	22.6 ft/none	n/a*	18 ft	18 ft
<b>Side Right</b>	22 ft/none	n/a*	n/a	n/a
<b>Rear</b>	n/a	n/a*	0	n/a
<b>Ratio Usuable O.S.</b>	10%/none/573 sf	n/a**	10% of 24%/592 sf	10% of 24%/592 sf
<b>Off Street Parking</b>				
<b>Min #</b>	35	none	18	12/18
<b>Max #</b>	48	none	20	20
<b>Handicapped</b>	1	none	1	1
<b>Bicycle spaces</b>	8	none	8	8
<b>Loading Bays</b>	1	none	0	0

1. 24% residential C-3/76% Business B    2. Include open space bonus table 5-1, table 5-3.

\*n.a. given 5 parcel assemblage with varying existing dimensions    \*\* n.a. given no dwelling units on site

NOTICE OF DECISION

**Case No: PB#120 - Major Amendment #3**

Address: 100-102, 104 Mount Auburn Street, 91-93 Winthrop Street

Zoning: Business B/Harvard Square Overlay District

Owner: Eliot Square Enterprises, Inc.

Applicant: Eliot Square Enterprises, Inc.

Application Date: October 10, 1996

Public Hearing: November 19, 1996

Planning Board Decision: December 3, 1996

Date of Filing Decision: December 27, 1996

Date of Major Amendment Application: December 12, 1997

Date of Major Amendment Public Hearing: January 6, 1998

Date of Major Amendment Decision: January 6, 1998

Date of filing Major Amendment Decision: February 10, 1998

Date of Major Amendment Application #2: October 29, 1998

Date of Major Amendment Public Hearing #2: January 5, 1999

Date of Major Amendment Decision #2: January 5, 1999

Date of filing Major Amendment Decision #2: February 10, 1999

**Date of Major Amendment Application #3: February 19, 1999**

**Date of Major Amendment Public Hearing #3: April 6, 1999**

**Date of Major Amendment Decision #3: April 6, 1999**

**Date of filing Major Amendment Decision #3: April 15, 1999**



Application: Major Amendment to the Harvard Square Overlay District  
Special Permit #120 to construct a third floor connection between  
100 Mount Auburn Street and 102 Mount Auburn Street.

Decision: 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 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 the Community Development Department and the City  
Clerk.

Authorized Representative to the Planning Board

Case No: PB#120 - Major Amendment #3

Address: 100-102 Mount Auburn Street, 91-93 Winthrop Street

Zoning: Business B/Harvard Square Overlay District

Owner: Eliot Square Enterprises, Inc.

Applicant: Eliot Square Enterprises, Inc.

Application Date: October 10, 1996

Public Hearing: November 19, 1996

Planning Board Decision: December 3, 1996

Date of Filing Decision: December 27, 1996

Date of Major Amendment Application: December 12, 1997

Date of Major Amendment Public Hearing: January 6, 1998

Date of Major Amendment Decision: January 6, 1998

Date of filing Major Amendment Decision: February 10, 1998

Date of Major Amendment Application #2: October 29, 1998

Date of Major Amendment Public Hearing #2: January 5, 1999

Date of Major Amendment Decision #2: January 5, 1999

Date of filing Major Amendment Decision #2: February 10, 1999

**Date of Major Amendment Application #3: February 19, 1999**

**Date of Major Amendment Public Hearing #3: April 6, 1999**

**Date of Major Amendment Decision #3: April 6, 1999**

**Date of filing Major Amendment Decision #3: April 15, 1999**

## **Application**

1. Letter from Daniel C. Crane, Finn and Crane, representing the Eliot Square Enterprise Trust, to Paul Dietrich, c/o Lester Barber, CDD staff, dated 2/19/99, outlining the request to amend the special permit granted on December 3, 1996, and as amended on January 6, 1998 and February 10, 1999.
2. Drawings showing the connection, rear elevation, Mt. Auburn Street elevation, and courtyard elevation, dated March 1997, revised Feb. 8, 1999.
3. The Harvard Square Advisory Committee Report, dated 4/6/99.
4. Cambridge Historical Commission Certificate of Appropriateness, dated 2/5/99

## **Additional Documents**

Perspective View: Proposed scheme for the connection between 100 and 102 Mount Auburn Street, dated April 13, 1999.

## **Public Hearing**

The public hearing was held on April 6, 1999. Daniel Crane, attorney for the applicant, Peter Palandjian, the applicant, and Carol Childs, of Tsoi/Kobus and Associates, the architect, were present. Mr. Crane presented the basic elements of the amendment which is the construction of a third floor connection between the two buildings, which will increase the square footage by a total of 120 square feet. The purpose of this addition is to comply with the applicable safety codes to permit occupancy of the third floor at 100 Mount Auburn Street.

Carol Childs of Tsoi Kobus & Associates presented the elevations of the proposed link, and the way in which the link would be incorporated into the existing design.

The proposal for the above change was distributed to the Harvard Square Advisory Committee members and several of the members expressed support for the amendment and that the connection should be made as transparent as possible.

The proposal was also reviewed by the Cambridge Historical Commission and was issued a Certificate of Appropriateness.

There were no comments from the public.

The Planning Board reiterated the desire for the third floor finish to be an atrium style, as transparent as possible.

At the general business meeting of April 13, 1999, the Planning Board confirmed the proposed scheme dated April 13, 1999 as meeting the major amendment #3 condition.

### **Findings**

The Planning Board finds the proposed amendment to the special permit and the changes proposed to the development plan consistent with the intent of the Zoning Ordinance generally, the objectives of the Harvard Square Overlay District, and the original special permit.

1. The link of approximately 120 square feet will not significantly change or increase the impact of the building.
2. The proposed change was supported by the polled membership of the Harvard Square Advisory Committee.

### **Decision**

After review of the application documents, and discussions at the public hearing, and based on the above findings, the Planning Board **GRANTS** a Major Amendment #3 to Special Permit PB#120 to allow the construction of the connection between 100 and 102 Mount Auburn Streets, at the third floors, an addition of 120 square feet. All other waivers and special permits granted in the original special permit, continue to be in effect. The project continues to be subject to the same conditions and limitations as outlined in the original special permit #120 and in the first and second major amendments.

The project shall be subject to continuing design review by the Community Development Department. Final plans submitted for issuance of a building permit shall be substantially consistent with the approved plans dated October 10, revised December 13, 1996, and amended by submittals dated March 1997, and revised February 8, 1999, and with the approved dimensional limitations as approved by the Board and set forth in **Amended** Appendix III and as illustrated in the Proposed Scheme dated April 13, 1999 by Tsoi/Kobus & Associates. Before issuance of a building permit the Community Development

Department shall certify to the Superintendent of Buildings that the final plans are consistent with and meet all conditions of this Decision.

Voting to grant the Major Amendment #3 to the special permit were A. Cohn, H. Russell, W. Tibbs, F. Darwin, C. Mieth, P. Dietrich, and S. Lewis, constituting at least two thirds of the membership of the Board.

For the Planning Board,

Paul Dietrich, Chair

A copy of this decision shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on April 15, 1999 by Elizabeth M. Paden, 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 (20) days have elapsed since the filing of this decision.

No appeal has been filed.

DATE:

City Clerk  
City of Cambridge

APPENDIX III - AMENDED Dimensional Form

PB#120, Major Amendment #2      Winthrop Square

	<b>Allowed/Required<sup>(1)</sup></b>	<b>Existing</b>	<b>Proposed</b>	<b>Granted</b>
<b>FAR</b>	1.0/4.0	2.75	3.63	3.63
<b>Floor Area</b>	95,380 sf	65,580 sf	86,610 sf	86,730 s.f.
<b>Max Height</b>	60 ft	less than 45 ft	80 ft	80ft
<b>Max Angle above cornice line</b>	45°	45°	45°	45°
<b>Min Lot Size</b>	5,000 sf	n/a*	23,854 sf <sup>(2)</sup>	23,854sf
<b>Min Lot area/du</b>	300 sf	n/a**	477 sf	477sf
<b>Max # du</b>		n/a**	12	12
<b>Min Lot Width</b>	50 feet/none	n/a**	100.5 ft	100.5 ft
<b>Min Yard Setbacks</b>				
<b>Front</b>	22 ft/none	n/a*	24 ft	24 ft
<b>Side Left</b>	22.6 ft/none	n/a*	18 ft	18 ft
<b>Side Right</b>	22 ft/none	n/a*	n/a	n/a
<b>Rear</b>	n/a	n/a*	0	n/a
<b>Ratio Usuable O.S.</b>	10%/none/573 sf	n/a**	10% of 24%/592 sf	10% of 24%/592 sf
<b>Off Street Parking</b>				
<b>Min #</b>	35	none	18	12/18
<b>Max #</b>	48	none	20	20
<b>Handicapped</b>	1	none	1	1
<b>Bicycle spaces</b>	8	none	8	8
<b>Loading Bays</b>	1	none	0	0

1. 24% residential C-3/76% Business B    2. Include open space bonus table 5-1, table 5-3.

\*n.a. given 5 parcel assemblage with varying existing dimensions \*\* n.a. given no dwelling units on site



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

*office use 4th floor*

## NOTICE OF DECISION

**Case No: PB#120 - Major Amendment #2**

Address: 100-102, 104 Mount Auburn Street, 91-93 Winthrop Street

Zoning: Business B/Harvard Square Overlay District

Owner: Eliot Square Enterprises, Inc.

Applicant: Eliot Square Enterprises, Inc.

Application Date: October 10, 1996

Public Hearing: November 19, 1996

Planning Board Decision: December 3, 1996

Date of Filing Decision: December 27, 1996

Date of Major Amendment Application: December 12, 1997

Date of Major Amendment Public Hearing: January 6, 1998

Date of Major Amendment Decision: January 6, 1998

Date of filing Major Amendment Decision: February 10, 1998

**Date of Major Amendment Application #2: October 29, 1998**

**Date of Major Amendment Public Hearing #2: January 5, 1999**

**Date of Major Amendment Decision #2: January 5, 1999**

**Date of filing Major Amendment Decision #2: February 10, 1999**

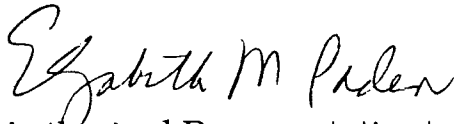
Application: Major Amendment to the Harvard Square Overlay District  
Special Permit #120 to permit office use on the fourth floor; and to  
extend the waiver of parking requirements for the additional  
parking required by office use.

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CITY OF CAMBRIDGE  
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Decision: 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 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 the Community Development Department and the City Clerk.

A handwritten signature in cursive script that reads "Elizabeth M. Paden".

Authorized Representative to the Planning Board

Case No: PB#120 - Major Amendment  
Address: 100-102 Mount Auburn Street, 91-93 Winthrop Street  
Zoning: Business B/Harvard Square Overlay District  
Owner: Eliot Square Enterprises, Inc.  
Applicant: Eliot Square Enterprises, Inc.  
Application Date: October 10, 1996  
Public Hearing: November 19, 1996  
Planning Board Decision: December 3, 1996  
Date of Filing Decision: December 27, 1996  
Date of Major Amendment Application: December 12, 1997  
Date of Major Amendment Public Hearing: January 6, 1998  
Date of Major Amendment Decision: January 6, 1998  
Date of filing Major Amendment Decision: February 10, 1998  
Date of Major Amendment Application #2: October 29, 1998  
Date of Major Amendment Public Hearing #2: January 5, 1999  
Date of Major Amendment Decision #2: January 5, 1999  
Date of filing Major Amendment Decision #2: February 10, 1999

**Application**

1. Letter from Daniel C. Crane, Finn and Crane, representing the Eliot Square Enterprise Trust, to Lester Barber, CDD staff, dated 10/29/98, outlining the request to amend the special permit granted on December 3, 1996, and as amended on January 6, 1998; amended Dimensional Form.
2. The Harvard Square Advisory Committee Report, dated 11/20/97.

## **Public Hearing**

The public hearing was held on January 5, 1999. Daniel Crane, attorney for the applicant, and Paul and Peter Palandjian, the applicants, were present. Mr. Crane presented the basic elements of the amendment: (1) the addition of office use as a permitted alternate use on the fourth floor in addition to the already permitted residential use, and (2) extension of the waiver of the additional parking required (2 additional spaces) should office use be established. Residential use would continue exclusively on the fifth, sixth and seventh floors.

The request for permitting office use on the fourth floor would allow for more flexibility in leasing the space. To date, there has not been strong interest in the fourth floor as a residential floor due to the obstructed views although housing continues to be the preference. If the floor is to be housing it must be all housing and not a mix of residential and office use. The building's size, floor area and outside appearance would not change with the office use.

The proposal for the above changes was presented to the Harvard Square Advisory Committee and supported unanimously by those in attendance.

In response to a number of questions from the Planning Board, the applicant made the following comments:

Sale of the residential units, at the projected price, would produce the best return on investment. There has been marketing for a year but for residential properties there is not much real commitment until prospective purchasers can actually see the space. Build-out expected in about four months.

The sixth floor is fully committed and the penthouse will be specially marketed. Harvard Square is a quirky market so that residential use of the other residential floors is not anticipated as a problem.

If the floor were to be converted to office about 15 people might work within the 5300 square feet of space, for one or two tenants.

## **Findings**

The Planning Board finds the proposed amendment to the special permit and the changes proposed to the development plan consistent with the intent of the Zoning Ordinance generally, the objectives of the Harvard Square Overlay District, and the original special permit.

1. The original relief sought was for additional height above sixty feet, reduction in the number of parking spaces provided, and limited relaxation of a front yard setback required for residential use on the upper floors. The use of the fourth floor as residential was proposed by the permittee and accepted by the Planning Board. Neither the residential or office use requires any relief from the Board and both are permitted as-of-right. The residential character of the fourth floor was not a critical factor in granting the relief requested in the original permit, but it was always viewed as a desirable use option.

2. The proposed changes were unanimously supported by the Harvard Square Advisory Committee. The Committee considers the changes not to be a matter of substance and that the change in use will not tip the balance against residential use on the remaining floors. The Board concurs.

3. The office use on the fourth floor has no impact substantially different from the impact of the retail and office uses previously allowed elsewhere in the development.

4. The additional height granted for this site was from 60 feet to 80, and does not include the fourth floor.

5. Mixed use projects have long been an objective of the city in areas, such as Harvard Square, where residential living can be a viable option next to commercial activity. It is well to remember, however, the possible friction that might arise between the two kinds of uses. Reasonable flexibility to allow owners to make reasonable adjustments in such circumstances is desirable.

6. While the change to office use will not result in a noticeable change in automobile traffic in the vicinity of the project, the additional office workers that would be present on site would justify instituting an appropriate proportional traffic mitigation measures for the project as a whole.

### **Decision**

After review of the application documents, and discussions at the public hearing, and based on the above findings, the Planning Board **GRANTS** a Major Amendment #2 to Special Permit PB#120 to permit office use on the fourth floor; and to reduce parking to less than required (Section 11.54.4 (2)). All other waivers and special permits granted in the original special permit, continue to be in effect. The project continues to be subject to the same conditions and limitations as outlined in the original

special permit #120 and in the first major amendment except as modified below.

The project shall be subject to continuing design review by the Community Development Department. Final plans submitted for issuance of a building permit shall be substantially consistent with the approved plans dated October 10, revised December 13, 1996, and amended by submittals dated 12/9/97, and with the approved dimensional limitations as approved by the Board and set forth in **Amended** Appendix II. Before issuance of a building permit the Community Development Department shall certify to the Superintendent of Buildings that the final plans are consistent with and meet all conditions of this Decision.

The Project shall not be providing the required minimum number of parking spaces. A payment to the Harvard Square Improvement Fund will therefore be required. Depending upon final construction details and uses of the third and fourth floors, the Project will have between twelve (12) and seventeen (17) fewer spaces than is required. The amount appearing with the corresponding number of parking spaces below the minimum required shall be paid to the Harvard Square Improvement Fund:

Number of spaces below Minimum Required	Payment to Harvard Square Improvement Fund
12	83,208.00
13	90,142.00
14	97,076.00 <i>GMP</i>
15	104,010.00
16	110,944.00
17	117,878.00

The foregoing amounts are calculated based upon \$34.67 per square foot times 400 square feet per parking space times the number of waived parking spaces times 50%. The payments shall be made before issuance of any Certificate of Occupancy for any portion of the building (except the currently occupied building) in fulfillment of the requirements of Section 11.54.4 of the Zoning Ordinance.

The applicant shall develop an appropriately scaled traffic and parking mitigation plan with the assistance of the staff of the Community Development Department Environmental Division. The plan shall be approved by the Planning Board at a regular meeting of the Board before issuance of any Certificate of Occupancy for any portion of the building (except the currently occupied building).

The applicant shall provide a report of the marketing efforts made to sell the fourth floor as residential apartments.

Voting to grant the Major Amendment #2 to the special permit were H. Salemme, A. Cohn, H. Russell, W. Tibbs, and S. Lewis, constituting at least two thirds of the membership of the Board. C. Mieth and P. Dietrich voted against the major amendment.

For the Planning Board,

  
Paul Dietrich, Chair

A copy of this decision shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on February 10, 1999 by Elizabeth M. Paden, 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 (20) days have elapsed since the filing of this decision.

No appeal has been filed.

DATE:

City Clerk  
City of Cambridge

*Office use 3rd flm*



**CITY OF CAMBRIDGE, MASSACHUSETTS  
PLANNING BOARD**

**CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139**

**NOTICE OF DECISION**

Case No: PB#120 - Major Amendment  
Address: 100-102, 104 Mount Auburn Street, 91-93 Winthrop Street  
Zoning: Business B/Harvard Square Overlay District  
Owner: Eliot Square Enterprises, Inc.  
Applicant: Eliot Square Enterprises, Inc.  
Application Date: October 10, 1996  
Public Hearing: November 19, 1996  
Planning Board Decision: December 3, 1996  
Date of Filing Decision: December 27, 1996  
Date of Major Amendment Application: December 12, 1997  
Date of Major Amendment Public Hearing: January 6, 1998  
Date of Major Amendment Decision: January 6, 1998  
Date of filing Major Amendment Decision: February 10, 1998

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Application: Major Amendment to the Harvard Square Overlay District Special Permit #120 to permit office use on the third floor; eliminate the overhang/arcade in front of some of the existing facades of the retail spaces at 104 Mount Auburn Street; and permit an increase in the Floor Area Ratio from 3.61 (approved) to 3.63 (requested).

Decision: 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 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 the Community Development Department and the City Clerk.

Authorized Representative to the Planning Board

*Ezra M. Paden*

Case No: PB#120 - Major Amendment  
Address: 100-102 Mount Auburn Street, 91-93 Winthrop Street  
Zoning: Business B/Harvard Square Overlay District  
Owner: Eliot Square Enterprises, Inc.  
Applicant: Eliot Square Enterprises, Inc.  
Application Date: October 10, 1996  
Public Hearing: November 19, 1996  
Planning Board Decision: December 3, 1996  
Date of Filing Decision: December 27, 1996  
Date of Major Amendment Application: December 12, 1997  
Date of Major Amendment Public Hearing: January 6, 1998  
Date of Major Amendment Decision: January 6, 1998  
Date of filing Major Amendment Decision: February 10, 1998

**Application**

1. Letter from Daniel C. Crane, Finn and Crane, representing the Eliot Square Enterprise Trust, to Liza Paden, CDD staff, dated 12/12/97, outlining the request to amend the special permit granted on December 3, 1996.
2. Site plan amended 12/9/97; sheet A-0.1; North Elevation amended 12/9/97; sheet A-3.4; East Elevation amended 12/9/97, sheet A-3.
3. The Harvard Square Advisory Committee Report, dated 11/20/97.

**Public Hearing**

The public hearing was held on January 6, 1998, with Associate Members Laura Sheffield and Florrie Darwin appointed to hear the application in place of Paul Dietrich and Scott Lewis. Daniel Crane, attorney for the applicant, the applicant and the architect were present. Mr. Crane presented the elements of the amendment: (1) the addition of a third allowed use on the third floor (office, Section 4.34), (2) waiver of



additional parking required should office use be incorporated, and (3) an increase of floor area created by decreasing the setback along the first floor retail space (which is currently recessed behind an arcade).

The request for the office use on the third floor would allow for more flexibility in leasing the space, particularly in light of the fact that there is not strong interest on the part of retailers for that third floor and the fact that residential use becomes less desirable the lower down the building it is located. It would increase the number of parking spaces required as well. The building size, floor area and facade would not change, other than the fenestration, with the office use.

The retail arcade space will be built out to the sidewalk with recessed store entrances where there is now an open arcade that receives little use. The alteration would liven the streetscape.

The proposal for the above changes were presented to the Harvard Square Advisory Committee and supported unanimously. There was support particularly for the alteration of the retail facades along the street, which will enliven the street and eliminate an unused and uninviting arcade along Mount Auburn Street. The Committee suggested that bike racks be available to the public and installed in lieu of the parking space not provided.

### **Findings**

The Planning Board finds the proposed amendment to the special permit and the changes proposed to the development plan are consistent with the intent of the Zoning Ordinance generally, the objectives of the Harvard Square Overlay District, and the original special permit. Specifically:

1. The Planning Board finds that the findings and conditions of the original special permit are equally applicable to this amended plan.
2. The office use on the third floor has no impact substantially different from the impact of the retail use previously allowed.
3. The facade redesign is found to be an improvement of the overall pedestrian streetscape of the existing building.
4. The proposed changes were unanimously supported by the Harvard Square Advisory Committee.

## **Decision**

After review of the application documents, and discussions at the public hearing, and based on the above findings, the Planning Board **GRANTS** a Major Amendment to Special Permit PB#120 to permit office use on the third floor; to allow an increase in the Floor Area Ratio to 3.63 (86,610 square feet); and to reduce parking to less than required (Section 11.54.4 (2)). All other waivers and special permits granted in the original special permit, continue to be in effect. The project continues to be subject to the same conditions and limitations as outlined in the original special permit #120.


1. The project shall be subject to continuing design review by the Community Development Department. Final plans submitted for issuance of a building permit shall be substantially consistent with the approved plans dated October 10, revised December 13, 1996, and amended by submittals dated 12/9/97, and with the approved dimensional limitations as approved by the Board and set forth in **Amended** Appendix I. Before issuance of a building permit the Community Development Department shall certify to the Superintendent of Buildings that the final plans are consistent with and meet all conditions of this Decision.

2. The project shall not be providing between 12 and 15 required parking spaces, which number shall depend on development of detailed engineering plans yet to be done. A payment to the Harvard Square Improvement Fund will therefore be required in the amount of \$104,010 (for 15 spaces), \$ 97,076 (for 14 spaces), \$90,142 (for 13 spaces) or \$83,208 (for 12 spaces); based on the calculation: [(\$34.67/s.f. X 400 s.f.) X 15, 14, 13, or 12 waived parking spaces X 50%]. The payment shall be made before issuance of any Certificate of Occupancy for any portion of the building (except the currently occupied building) in fulfillment of the requirements of Section 11.54.4 of the Zoning Ordinance.

3. Bicycle parking spaces shall be provided, as permitted by the City, within the public right of way in front of 104 Mount Auburn Street.

Voting to grant the Major Amendment to the special permit were H. Salemme, A. Cohn, H. Russell, F. Darwin, L. Sheffield and W. Tibbs constituting at least two thirds the membership of the Board. C. Mieth abstained from voting.

For the Planning Board,

  
Carolyn Mieth, Vice Chair

A copy of this decision shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on **February 10, 1998**, by Elizabeth M. Paden, 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 (20) days have elapsed since the filing of this decision.

No appeal has been filed.

DATE:

City Clerk  
City of Cambridge

January 6, 1998

Major Amendment

Special Permit  
Application No. 120

**REQUESTED REVISED  
Dimensional Form**

	<u>Allowed/Required</u> (1)	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Floor Area Ratio (Floor Area)	<u>3.0/4.0</u> <u>(95,380) sq. ft.</u>	<u>2.75</u> <u>(65,580)</u>	<u>3.63</u> <u>(86,610) sq ft</u>	3.63 86,610 square feet
Max. Height	<u>60 feet</u>	<u>Less than 45 ft</u>	<u>80 feet</u>	80 feet
Max. Angle Above Cornice Line	<u>45°</u>	<u>45°</u>	<u>45°</u>	45°
Min. Lot Size	<u>5,000 sq ft</u>	<u>N/A*</u>	<u>23,854 sq ft</u> (2)	23,854 sf (2)
Min. Lot Area per d. u.	<u>300 sq ft</u>	<u>N/A**</u>	<u>477 sq ft</u>	477 square feet
Max. No. d. u.	<u></u>	<u>N/A**</u>	<u>12</u>	12
Min. lot width	<u>50 feet/none</u>	<u>N/A*</u>	<u>100.5 feet</u>	100.5 feet
Min. yard setbacks	<u></u>	<u>N/A*</u>	<u></u>	
Front	<u>22 feet/none</u>	<u>N/A*</u>	<u>24 feet</u>	24 feet
Side L	<u>22.6 feet/none</u>	<u>N/A*</u>	<u>18 feet</u>	18 feet
R	<u>22 feet/none</u>	<u>N/A*</u>	<u>N/A</u>	N/A
Rear	<u></u>	<u>N/A*</u>	<u>0</u>	0
Ratio Usable Open Space (Area)	<u>10%/none</u> <u>(573 sq ft/none)</u>	<u>N/A**</u> <u>( - )</u>	<u>10% of 24% of lot area</u> <u>( 592 sq ft)</u>	<u>10% of 24%</u> <u>of lot area</u> 592 square feet
Off-Street Parking				
Minimum No. Spaces	<u>33</u>	<u>None</u>	<u>18</u>	18
Maximum No. Spaces	<u>43</u>	<u>None</u>	<u>20</u>	20
No. Handicapped Spaces	<u>1</u>	<u>None</u>	<u>1</u>	1
Bicycle Spaces	<u>8</u>	<u>None</u>	<u>8</u>	8
No. Loading Bays	<u>1</u>	<u>None</u>	<u>0</u>	0

(1) 24% residential C-3/76% business B (2) includes open space bonus table 5-1/table 5-3

\*Not applicable given 5 parcel assemblage with varying existing dimensions

\*\*Not applicable given no dwelling units on site