



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

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NOTICE OF DECISION

CASE NO: PB#129

ADDRESS: 0, 4-6 Arrow Street, through block to 13-15, 17, and 19 Mount
Auburn Street

OWNER: John M. Dowse and Graham Gund

ZONING DISTRICT: Office 3/Harvard Square Overlay District

APPLICATION DATE: July 18, 1997

PUBLIC HEARING: November 18, 1997, continued to December 2, 1997

PLANNING BOARD DECISION: February 3, 1998

DATE OF FILING DECISION: February 13, 1998

APPLICATION: Special Permit in the Harvard Square Overlay District for a 51,639 square foot office building, with 57 parking spaces, requesting additional height (section 11.54.2.g); waiver of the setback requirements (section 11.54.5.b); and waive of loading requirements (section 11.54.5.b).

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

Elizabeth M. Paden

For further information please contact Liza Paden at the Community Development Department, 349-4647, TTY:349-4621, email lpaden@ci.cambridge.ma.us

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Application

Special Permit Application, submitted to the Planning Board July 18, 1997, containing the complete application, as well as drawings as follows: existing site/survey; utility plan, parking levels, first, second, third, fourth, fifth, roof, penthouse plans, elevations, sections and details of various scales.

Documents Submitted

1. Letter to the Planning Board from Peter E. Madsen, FAIA, Gunwyn Company, dated 9/11/97, granting a waiver from the 65 day hearing period to 9/30/97.
2. Letter to the Planning Board from Americo Andrade, dated 9/22/97.
3. Letter to the Planning Board from Peter E. Madsen, FAIA, Gunwyn Company, dated 9/30/97, requesting a postponement to late October.
4. Letter to Roger Boothe, Planning Board, and Harvard Square Advisory Committee, from Hugh Adams Russell, re: 0 Arrow Street, dated 11/97.
5. Arrow Street memo from Peter Madsen, re: variance and waivers requested, dated 11/18/97.
6. Arrow Street memo from Peter Madsen, re: list of changes with drawing and elevations, dated 11/18/97
7. Letter to the Planning Board from Ramona M. Latham, trustee of 1137 Massachusetts Avenue, Brentford Hall Condominium Trust, dated 12/6/97.

8. Harvard Square Advisory Report of meetings 7/17; 9/18; 11/20; and 12/18/97.
9. Letter to Nancy S. Lucas, Esq. Sullivan & Worcester, LLP, from David Hawkins, of Morrisey & Hawkins, re: Jinny Nathans, dated 12/31/97.
10. Letter to the Planning Board from David Hawkins, of Morrisey & Hawkins, dated 1/5/98.
11. Arrow Street memo from Peter Madsen, re: list of changes with drawings and elevations, dated 1/06/98.
12. Copy of letter to Graham Gund, Gund Associates, from Pebble Gifford, Harvard Square Defense Fund, dated 1/20/98.
13. Harvard Square Advisory Addendum Report of meeting 1/22/98.
14. Drawings submitted 2/3/98, of 0 Arrow Street, reflecting changes to date.

Public Hearing

A public hearing was held on November 18, 1997. Peter Madsen, Graham Gund and Erica Frances presented the application. It was noted that site had had a previous special permit granted in 1989 by the Planing Board; a Board of Zoning Appeal variance for retail use was denied for that project. The applicant also noted the relocation and renovation of the house at 11B Mount Auburn Street, which had previously been located on the permit site, and which is subject to a conservation easement to the Cambridge Historical Commission along with two other, adjacent buildings.

The plans, revised from the application documents in response to comments from the Advisory Committee and the public, were reviewed. It was noted that, with standard floor to ceiling heights, and in combination with the slope of the development site, the building is 63 ½ feet high and a special permit request for additional height is needed. Second, side yard setback waivers are required with the, the required setback from each side lot line about 30 feet; this is the same relief as the one granted in 1989. Third, is a waiver for the loading dock to allow for an improved design. This was recommended by the Harvard Square Advisory Committee.

The applicant discussed the abutting buildings and the relationship of this proposal to them; the modifications that have been made in response to the discussions with the Harvard Square Advisory Committee were noted.

There was a suggestion of continuing review of the proposal by the Advisory committee; the possibility of retail use as an element of the use program was raised but with the cautionary comment from the applicant that it is difficult to

prove hardship necessary to secure the use variance necessary for retail use at this location.

There were a number of comments from the public in opposition to the proposal: the development will create a solid wall along Mount Auburn as well as Arrow Street; that the absence of yards would prevent a smooth transition to adjacent, vulnerable structures; that there was no need for more office use in the current market; that overall the building was too large and would be better with one less floor; that the loading dock was necessary to prevent traffic aggravation of the existing congestion on Arrow Street. One abutter was specifically concerned about building directly on the property line adjacent to a portion of her structure that itself is directly on the property line.

The hearing was continued to December 2 for further comments.

The public hearing was resumed on December 2, 1997. The Board reviewed the outstanding issues raised at the first part of the hearing: building height on Arrow and Mt. Auburn Streets, design details of those facades, setbacks from the front property lines, the loading dock issue. Plans further revised to reflect comments were shown.

The Board received the report of the Harvard Square Advisory Committee. The Committee did not recommend granting of additional height or waiver of side yards, as the Committee did not believe that the special permit conditions had not been met. There were further comments from the public in opposition to the requested permit because of the proposed height, lack of setbacks and the design details proposed on the facade on Mount Auburn Street. There was an abutting property owner in support of the application as an appropriate building and use for this location. The hearing was closed.

At the regular meeting of February 3, 1998, the Planning Board resumed deliberation on the proposal. Still further revised plans were submitted. Peter Madsen discussed the changes that had been made; the fifth story on Arrow Street was set back to meet all requirements of the Overlay District setback plane. The overall height was increased back up to the 63.5 foot level. Refinements were made to both facades including two doors on the Mount Auburn facade.

The FAR would still be less than 3.0 but there would be a decrease in leasable floor area by ca 2,000 square feet because the upper setbacks will be used for patios and they count as gross floor area. The plan as always is to preserve the existing street trees on Mt. Auburn Street. The existing curb cuts will be reused. There will be no curb cuts on Arrow Street.

The Harvard Square Advisory Committee response to these changes was reviewed in the Addendum to the report received by the Board. The Board agreed that the Mount Auburn Street facade issues had been addressed, that

the height adjustment on Arrow Street worked, and that in combination with previous changes, the standards for issuance of the requested special permit had been met

Findings

The Planning Board reviewed the architectural plans reflecting changes recommended by the Planning Board and the Harvard Square Advisory Committee at its February 3, 1998 meeting. Based on those plans the Board makes the following findings.

A. *Compliance with the general purposes of the Overlay District (Section 11.52)*

1. Preserve and enhance the District's functional environmental and visual character.

While the building will be the tallest building in the area directly adjacent to some of the smallest buildings in Harvard Square, many elements of the revised design have been adopted to achieve a reasonable transition between the two scales of development. The area, in general, is characterized by large buildings and small buildings and the elements of this specific development are consistent with that larger development pattern.

2. Mitigate the functional impacts on residential neighborhoods.

Many modifications have been made to the Mount Auburn facade of the building, which faces the Riverside neighborhood directly across Mount Auburn Street. Those modifications have been successful in reducing the visual impact of the six story structure at that location from the residential community across the street. The functional operation of the building in terms of service and vehicular entry will largely impact to the properties that lie within the Harvard Square Overlay District.

Residents within the Overlay District, adjacent to and in the vicinity of the development, will be more directly impacted by the functioning of the development, but in ways that are not distinct from those to be expected from any sizable commercial construction on this lot, as permitted by both the base zoning and the regulations of the Overlay District.

3. Maintain a diversity of development, open space patterns, and building scale.

As a part of the earlier approved scheme for this site, in 1989, a wood-frame structure on the site was moved to an adjacent parcel; it, along with a second existing structure on the adjacent parcel and a frame structure on the current special permit lot, were permanently protected with a conservation easement granted to the Cambridge Historical Commission. Those buildings on Mount

Auburn Street, in combination with the brick townhouse and wood frame structures behind them that front on Massachusetts Avenue, preserve a cluster of small scaled, free standing buildings that are no longer common within the commercial environment of Harvard Square. The new office building more directly references the much larger and bulkier masonry buildings, both old and new, that are present in this precinct of Harvard Square. In total, the development continues the diversity of construction that characterizes this portion of Harvard Square.

B. *Compliance with the general development guidelines outlined in Harvard Square Development Guidelines.*

1. Retention and upgrading the existing inventory of old buildings.

Three frame structures on this and adjacent sites have been permanently preserved as part of the special permit proposal, previously approved, that is the direct predecessor of this development. They will continue to be preserved.

2. Respect for the diversity of building form and scale.

See Finding A3 above. In its design, as it has evolved in response to comments from the Harvard Square Advisory Committee and the Planning Board, the development has attempted to respect the small scale elements of structures, or whole structures, immediately adjacent to it through the use of one story pavilions along the length of the principal side lot lines of the site and by setting those pavilions back from Arrow Street; the larger mass of the building is further setback from those principal side lot lines a much greater distance. Within the context of scale of development permitted by both the base Office 3 district and the Harvard Square Overlay District, this development has been shaped to respect the variable nature of the built environment within the neighborhood.

3. Expansion of a high quality public environment.

Public sidewalks adjacent to the development will be upgraded to the quality employed elsewhere in the Square. Otherwise improvements to public environments are not part of the development proposal.

4. Expansion of the network of pedestrian walkways.

There will be no exterior or interior passageway through the site from Arrow Street to Mount Auburn Street. Principal access to the building will through the main entry at Arrow Street. More restrictive access can be secured from Mount Auburn Street.

5. Expansion of residential living within the Square.

The structure will be entirely devoted to office uses.

6. Creative solutions to the Square's parking problems.

The parking requirements for the building will be met, with one space than the minimum required being provided.

C. *Compliance with the specific guidelines for the **Bow and Arrow Streets** Subdistrict*

The guidelines made note of both the "Masonry structures built to their property lines..." and the "...sequence of spaces that is much like a tightly knit European street." as well as this district as a transition area "...characterized by small-scale wooden structures with some setbacks and yard spaces." The enhancement of these two aspects of the Bow and Arrow Streets area is encouraged by the Guidelines although somewhat different site development characteristics are required to achieve each objective. These objectives have to be addressed over many sites, over a long period of time as changes are proposed and natural evolution of uses and activities occurs lot by lot; it is unlikely that any single development site or proposal can address each objective fully. The site of this development is mostly vacant and therefore has little character of its own to give direction to a new design. The Board considers the building design as it has evolved to address the guidelines' objectives for the Bow and Arrow Street Subdistrict for this transitional site when considered within the context of the previously granted conservation easements by the permittee to the Cambridge Historical Commission.

D. *Compliance with criteria for granting of a Special Permit for additional height [Section 11.54.2(b)].*

There are no special criteria set forth in Section 11.50 for the granting of this special permit. Significant modification of the building's upper stories has taken place, at both the Mount Auburn Street and Arrow Street sides, to address concerns expressed at the Planning Board and the Advisory Committee that the perceived height of the building should be lowered. The absolute height of the building, about three feet above that permitted as of right in the district, has not been of major concern. With a two stage setback at the fifth and sixth floors on Mount Auburn Street, and a one story setback at the fifth floor on Arrow Street those concerns have been addressed.

E. *Compliance with criteria for the granting of a Special Permit to waive the parking and loading requirements [Section 11.54.4(b)].*

The development proposal does not propose to waive the required parking; parking will be provided in an amount slightly above the minimum required. At the behest of the Harvard Square Advisory Committee, the required loading

dock has been eliminated. The Board concurs with the request. In granting that requested special permit the board makes the following findings.

1. The lot is sufficiently small to contribute to a pattern of small scale new structures and the retention of existing structures.

At 19,000 square feet, the lot is in the middle range of lot sizes in Harvard Square, but well above the threshold of 10,000 square feet identified in this Section 11.54.4. A four thousand square foot portion of that lot is to be treated, in visual terms, as a discrete lot with the existing wood frame house retained. The remaining ca. 14,000 square foot portion of the lot, assembled from four lots previously containing three freestanding wood frame structures, is not dissimilar in size and scale to adjacent lots housing St. Paul's Church, the adjacent, historic collar factory, and the Longfellow Court apartments. The small scale pattern has been preserved on adjacent sites, and on a portion of the development parcel within the control of the proponent. On the larger portion of the lot, the width of the frontage of the multistoried portion of the new structure as it faces either Mt. Auburn Street and Arrow Street is much less than those of either the Longfellow Court Apartments or the collar factory; within the context of the larger buildings that are located throughout the district, this proposed design maintains a pattern of smaller scaled elements, discrete buildings intended for the Bow and Arrow Street sub-district. Combined with the use of low level pavilions to the side of the main portion of the building, the design objective of this Section 11.54.4 is met even with a somewhat larger lot.

2. The waiver will result in a more appropriate design for its location and the neighborhood.

The elimination of the loading bay was recommended by the Advisory Committee and granted by the Planning Board for a number of reasons: (1) the large area necessary to accommodate the bay would be very disruptive of the fine grained streetscape along Arrow Street, (2) the bay worked against a design sympathetic to the small but prominent "counting house" structure attached to the adjacent collar factory, (3) narrow Arrow Street might not be able to easily accommodate the truck maneuvering necessary to make use of the facility, and (4) such a loading bay would not be easily sited at any location along Arrow Street or Mount Auburn Street without the same deleterious design impacts. It is also the considered opinion of the Planning Board that most routine deliveries to the site would not take the time to make use of a loading facility if it were available.

3. No National Register or contributing building is demolished, or had been demolished in the preceding five (5) years.

Contributing buildings on the site, or previously on the site, have been preserved through preservation agreements granted to the Cambridge

Historical Commission. Buildings previously on the site, and subsequently demolished, were not found to be Preferably Preserved Significant Buildings by the Cambridge Historical Commission.

4. The FAR ratio is reduced or a money payment is made for each parking space not provided.

As all parking required will be provided no payment will be required for "spaces not provided". Rentable gross floor area will be effectively about 2,000 square feet less than permitted, as that amount will be devoted to exterior patio space on the upper floors of the building.

F. *Compliance with criteria for the granting of a Special Permit to waive setback requirements [Section 11.54.5(b)].*

1. The design of the building conforms to the objectives of the Harvard Square Development Guidelines.

See previous discussions above.

2. No National Register or contributing building is demolished, or had been demolished in the previous five (5) years.

See E3 above.

G. *Compliance with the general criteria for issuance of a Special Permit.*

1. The requirements of the Ordinance can be met.

With the issuance of the three special permit requested all requirements of the Ordinance will be met.

2. Traffic patterns will no cause congestion, hazard, or substantial change is the established neighborhood character.

All service functions have been removed from the Arrow Street side of the building, where the narrowness of the street caused concern that trucks of any size would not be able to maneuver safely to make use of the previously proposed loading dock. All vehicular entry to the site will be from Mount Auburn Street, a busy but wide road that can best physically accommodate access to the parking required under the Ordinance and proposed to be provided. All refuse pickup will also be done from the Mount Auburn Street side of the building. Given the modest volume of vehicle trips drawn to the site, already the location of a surface parking lot, no congestion, hazard or substantial change in neighborhood character is likely to result from the development.

3. Continued operation or development of adjacent uses will not be adversely affected.

The requested special permit waiver of the required side yard setbacks requested directly affects adjacent properties.

It is proposed to abut the two principal side yards (**see definition below) of the development with one story pavilions; those pavilions run the length of the lot, from about 15 feet back from Arrow Street to Mount Auburn Street. The main body of the proposed building is to be set back about 13 feet from the principal side lot lines. On the easterly side lot line, the existing development on the adjacent lot abuts the same property line for about 40% of its length with a one to two story addition to an older townhouse. On the westerly lot line, the collar factory building abuts the lot line for about 90% of its length, along most of which the building is multistoried. The application of a partial waiver of the required side yards is reasonable in such circumstances, where lot line buildings are found on abutting lots.

In the Office 3 district, within which this development is proposed; in the Office 2 district, within which the properties to the east of the development are located; and in the Residence C-2B district within which properties on the block bounded by Bow and Arrow Street and Massachusetts Avenue are located; front, side, and rear yards are required by formulas that make reference to a building's height and length. Few existing buildings in those districts meet the required setbacks it is likely that none meet all the required setbacks; many provide no setbacks at all.

Waiver of required setbacks is consistent with that built context.

The considerable benefit that has accrued to abutting properties and other lots in the vicinity as a result of the project lot's vacant status will be lost with any new construction on the lot, as-of-right or by special permit. Additional shadows on the public street and the loss of sun and expansive views will be lost by immediately abutting properties. The Board finds such losses to be expected with any significant development on this site. However, setbacks from the upper floors of the building will be of benefit in reducing these impacts.

** Note: On the east side of the development parcel there are in effect two side lot lines set in parallel, but off-set planes. The principal side lot line referred to here is that line running from Arrow Street to a point about half way through the lot to Mount Auburn Street. On the west side of the lot the principal side lot line is a single line running directly from Arrow Street to Mount Auburn Street.

4. No nuisance or hazard will be created to the detriment of the health, safety, and welfare of the occupants or the citizens of the City.

Nearby residents and property owners, and the general public, will experience increased car and foot traffic in the neighborhood, loss of some sunlight and views that have been available in the past, and a general increase in development and building bulk in an already dense neighborhood. Nevertheless, such impacts are within the range to be expected for any development on the site.

5. The use will not impair the integrity of the district or adjoining districts or derogate from the intent or purpose of the Ordinance.

The development is consistent with and anticipated by the zoning regulations applicable to the site.

Decision

After review of the information contained in the application documents, information presented at the public hearing, and based on the above findings and authorization provided by Section 11.50 of the Zoning Ordinance, the Planning Board **GRANTS** a special permit for a 51,639 square foot office building with 57 parking spaces and grants additional height (Section 11.54.2.g); waives of the setback requirements (Section 11.54.5.b), and waives of the loading requirements (Section 11.54.5.b), subject to the following limitations and conditions..

1. The final plans submitted for a building permit shall conform to the dimensional limitations as detailed on Appendix I of this decision, and shall be substantially in conformance with the plans submitted to the Board at the February 3, 1998 meeting and so dated.
2. The design shall continue to undergo design review through the Community Development Department and the Department shall certify that the final plans submitted to the Superintendent of Buildings for a building permit are in conformance with this decision.
3. The development is subject to the provisions of Section 11.200 and Section 10.48 of the Zoning Ordinance. In fulfillment of the requirements of those sections a payment shall be made to the Cambridge Affordable Housing Trust in the amount of \$147,417 (51,639 square feet authorized - 2,500 exempt square feet = 49,139 square feet X \$3.00 per square foot = \$147,417). The payment shall be made before issuance of the first occupancy permit for the authorized development by the Superintendent of Buildings.
4. Before initiating any construction on the site in furtherance of any building permit issued for the site, the permittee shall certify to the Community Development Department that the City Arborist has been advised of the project, has reviewed the working drawings for the site, and has had an

opportunity to recommend measures to facilitate the protection and preservation of the existing street trees on Mt. Auburn Street.

Voting to GRANT the Special Permit on a motion by S. Lewis and A. Cohn were: P. Dietrich, A. Cohn, H. Russell, S. Lewis, and W. Tibbs, constituting more than two thirds of the Board. Voting against granting the Special Permit were H. Salemme, and C. Mieth.

For the Planning Board,



Paul Dietrich
Chair

The Planning Board certifies that the decision attached hereto is a true and correct copy of its decision granting the Special Permit t#129, and that a copy of this decision and all plans referred to in the decision have been filed with the office of the City Clerk and the Planning Board. Appeal, 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 decision filed with the Office of the City Clerk on February 13, 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 days have elapsed since the filing of this decision.

No appeal has been filed.

DATE:

City Clerk, City of Cambridge.