



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION  
Final Development Plan

Case No: PB #192  
Address: One First Street  
Zoning: Residence C-2A and the PUD-4A (Section 13.50)  
Owners: One First Street Property, LLC; c/o Beacon Capital Partners, Inc., One Federal Street, 26<sup>th</sup> Street, Boston, MA 02110  
Applicants: Robert W. Foster, S.V.P., Leggat McCall Properties, LLC, 10 Post Office Square, Boston, MA

Application Date: November 11, 2003

Public Hearing on PUD Preliminary Proposal  
and Project Review Special Permit: December 2, 2003

Planning Board PUD  
Preliminary Determination: December 16, 2003

Public Hearing on PUD  
Final Development Plan: February 3, 2004

Decision of PUD Final Development Plan and  
Project Review Special Permit: June 15, 2004

Filing of Decision: JUNE 18, 2004

Application: Planned Unit Development Special Permit (Section 13.50) and Project Review Special Permit (Section 19.20) for approximately 294,154 square feet of residential development.

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 of the Planning Board: *Liza Paden*  
For further information concerning this decision, please call Liza Paden at 617-349-4647, TTY: 617-349-4621, lpaden@Cambridgema.gov.

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**Application Documents Submitted**

Special Permit Final Development Plan, volume 3 –Planning Board presentation, dated 11/4/03.

Special Permit Project Review materials, volume 1 – written materials, dated 11/3/03, volume 2 – graphics materials, dated 11/4/03.

Special Permit Final Development Plan application documents, volume 1 – written materials, volume 2 – graphic materials, dated 1/27/04, containing the final development plan narrative, revised dimensional form and Urban Ring Exhibit.

**Supplemental Materials Submitted**

Copy of letter to Scott Thornton, Vanasse & Associates, Inc., from Jason Schrieber, dated 10/10/03, certifying the Transportation Impact Study as complete.

Letter to Thomas Anninger, Planning Board Chair, from Barbara Broussard, ECPT, dated 12/1/03, listing concerns to date.

Copy of Planning Board comments, James Rafferty, dated 12/16/03.

Letter to the Planning Board from Judith Vreeland, dated 12/29/03, outlining concerns.

Email to Robert Foster, VP at Leggett McCall, from Les Barber, CDD, dated 12/31/03, regarding the height definitions on First Street.

Letter to the Planning Board from Second Street residents dated 1/6/04, outlining concerns.

Letter to Barbara Shaw, chair of the Planning Board from Barbara Broussard, President of the East Cambridge Planning Team, dated 2/2/04, outlining concerns of the ECPT.

Memorandum to the Planning Board from Susan E. Clippinger, Traffic, Parking and Transportation, dated 2/2/04, reviewing the Transportation Impact Study.

Letter to Liza Paden, Community Development Department, from James Rafferty, Adams and Rafferty, Attorney for Petitioner, dated 2/11/04 extending the time for filing the decision to March 25, 2004.

Letter to Liza Paden for the Planning Board fromCarolynn Fischel, 38 Second Street, dated 5/11/04 re: concerns about the project.

Letter to Liza Paden for the Planning Board fromCarolynn Fischel, 38 Second Street, dated 5/15/04, supplementing her letter of 5/11/04.

Copy of letter to One First Street Property, LLC, from Charles Sullivan, Executive Director to the Cambridge Historical Commission, dated 6/8/04, outlining the Historical Commissions review.

Letter to Liza Paden, Community Development Department, from James Rafferty, Adams and Rafferty, Attorney for Petitioner, dated 3/22/04 extending the time for filing the decision to June 22, 2004.

**Application** The applicant requests from the Planning Board a Special Permit for a Planned Unit Development in the PUD-4A District pursuant to the provisions of Article 12.000 and Section 13.50, a Project Review Special Permit pursuant to the provisions of Section 19.20, waiver of parking requirements for the commercial uses proposed, pursuant to the provisions of Section 6.35.1 to the extent that Section 6.32.1 does not apply. Variances are requested from the Board of Zoning Appeal to exceed the permitted height (sixty-five feet, Section 13.54) up to a maximum of eighty-five feet for the new structure located at First Street, and reduction in aisle width for a one-way drive, Section 6.42. The requested variances were granted by the Board of Zoning Appeal on April 8, 2004 to permit the new building at First Street to rise to 81'1-1/2" feet in height.

## **Findings**

After review of the application documents and other documents submitted to the Board, testimony taken at the two public hearings, and review and consideration of the Project Review Special Permit criteria, PUD-4A District criteria and requirements, and the general special permit criteria, the Board makes the following findings.

### **1. Conformance to the requirements for approval of the Final Development Plan, Section 12.36.4 (and by reference to Section 12.35.3).**

*a. The project conforms to the General Development Controls set forth in Section 12.50.*

#### **(i) Conformance to existing policy plans**

As indicated throughout these Findings, the Planning Board concludes that the Development is consistent with the *Eastern Cambridge Development Guidelines* and the *Eastern Cambridge Planning Study*.

#### **(ii) Minimum Development Parcel size**

The Development Parcel size of 72,418 square feet exceeds the required minimum parcel size of 25,000 square feet as set forth in Section 13.53.2.

#### **(iii) Standards for Construction of Roadways**

No new roadways will be built although some improvements in existing public ways may be made. Those improvements will be made consistent with the requirements of the Traffic, Parking, and Transportation Department and the Department of Public Works.

#### **(iv) Standards for Construction of Utilities and Public Works**

The project will be connecting to existing utilities in the surrounding public ways.

#### **(v) Landscaping**

Significant landscaping will be occurring on the interior of the development in the courtyard, which will principally serve the needs of the residents of the project.

#### **(vi) Environmental Performance Standards**

All applicable environmental regulations shall be met. Conformance to the requirements of the City Noise Ordinance and the City's Asbestos Protection Ordinance will be a specific requirement of this Decision.

*b. The Project conforms to the specific Development Controls set forth in Section 13.50.*

The development conforms to all requirements of the PUD-4A District except that along First Street a variance was required to permit the new building at that location to rise to 81' 1-1/2" feet. The variance has been granted.

*c. The Final Development Plan provides benefits to the city, which outweigh its adverse effects. In making this determination the Planning Board shall consider the following:*

The Planning Board reiterates the findings made when approving the Development Proposal:

(i) The quality of the site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public.

The ECaPS planning process, which resulted in adoption of the zoning that now regulates development on the site, examined this site in detail. The zoning provisions that were adopted as a result of that planning effort were crafted to reflect the special circumstances that apply here. A significant component of housing was encouraged, as was the preservation of the extensive inventory of industrial buildings that reflect the economic history of East Cambridge over two centuries.

Housing is the predominant use proposed on the site. The construction of residential units will add to the inventory of housing first established as a use in this area with the construction of Graves Landing and soon to be reinforced with the construction of much new housing across O'Brien Highway in North Point. An urban residential neighborhood is being established; the services and amenities that are necessary to support such a neighborhood can be expected to follow, to the benefit of new residents as well as those now living in East Cambridge.

Preservation of most of the significant industrial buildings on the site is also accomplished with careful restoration of important existing buildings and with construction of new structures that are compatible with the old buildings. The Final Development Plan plans have been reviewed and approved by the Cambridge Historical Commission, including the demolitions that are anticipated in the plan.

A modest amount of retail and office uses is introduced at critical locations at the perimeter of the site on the ground floor of buildings, which will advance the general city objective of maintaining lively and engaging street frontages.

(ii) Traffic Flow and Safety.

As reflected in the provisions of the new zoning, residential is the preferred use at this location because of its beneficial, lower peak-hour traffic implications, as compared to non-residential activity among other reasons. The density allowed in the PUD 4A District reflects both the existing density of buildings on the site as well as the Development Parcel's location adjacent to the MBTA Green Line station. Many loading docks, originally installed to serve the industrial uses on the site, will be eliminated, with the result that sidewalks will be significantly enhanced for pedestrians, disruptive large-truck loading maneuvers will be eliminated, and new on-street parking will be provided. Otis Street, in particular, will be significantly improved as a result.

(iii) Adequacy of utilities and other public works.

The expectation is that utilities are adequate to serve the proposed residential use. Water and sewer demand will be substantially reduced. New connections to the existing systems will be made. City departments, including the Department of Public Works, will review the project details as the design advances. The Permittee has identified how the project will be able to accommodate possible future construction of the Urban Ring, which is anticipated to be located along First Street adjacent to the Development Parcel.

Extensive roadway improvements will be undertaken in the vicinity of the project as a result of PUD approvals for new development in North Point. Roadway and sidewalk improvements necessary to accommodate this proposal directly will be modest, related to pedestrian improvements and coordinated with other development requirements in the vicinity.

(iv) Impact on existing public facilities within the city.

The Planning Board finds no reason to expect that any wider impact will be unreasonable or unacceptable.

(v) Potential fiscal impacts.

The development is expected to have a positive fiscal impact by upgrading the quality of development on the site.

**2. Conformance to the dimensional and use limitations and other provisions of the PUD-4A District, Section 13.50 of the Zoning Ordinance**

*a. The development conforms to the use and dimensional requirements of the PUD-4A District as found in Sections 13.52, 13.53 and 13.54 of the Zoning Ordinance with the exception of height, as noted below.*

(i) The housing, office and retail uses proposed are permitted in Section 13.52.

(ii) The construction permitted on the Development Parcel is limited to an FAR of 2.5, or the Gross Floor Area present on the site at the time of application for a special permit. In this case the GFA present on the site is equivalent to an FAR of 3.89. The existing GFA on the site, combined with the GFA granted as a bonus for residential development subject to the provisions of Section 11.200, allows the FAR of 4.10 that is granted in this Decision. The nonresidential portions of the development will not exceed fifty percent of the authorized Gross Floor Area.

(iii) The maximum height of new construction allowed is 89' 10" where that height occurs within the footprint of any building now on the site. Otherwise, the height of buildings is limited to sixty-five feet. The new building at First Street exceeds sixty-five feet and is outside the footprint of existing buildings; a variance is required from the Board of Zoning Appeal to permit that height. The Board finds the proposed height of 81' 1-1/2" feet to be reasonable, consistent with the heights permitted in adjacent districts and the actual height of nearby buildings. The Board of Zoning Appeal granted the variance on April 8, 2004.

(iv) The Development Parcel exceeds the 25,000 square feet minimum required in the PUD District.

(v) The number of residential units granted is less than permitted on the site.

*b. Conformance to the Open Space Requirements of the PUD-4A District, Section 13.55.*

More than thirty-one percent of the site (23,100 sf) is devoted to open space as defined in Section 13.55, which is more than the 20% required in the district.

Section 13.55 of the Ordinance does not require that the open space provided be Public Open Space or publicly accessible open space. In the 1980s, the transformation of the former industrial wasteland along the East Cambridge Riverfront relied upon the creation of a new open space system; contributions and access to that system was an important consideration in approving developments proposed earlier in the PUD-4 districts in the East Cambridge waterfront area. Lechmere Canal Park, Front Park and Charles Park were all carved out of this derelict area. Those parks, as well as Centanni Way, now form a network of open spaces owned by the City, fully accessible to all and conveniently located to serve the East Cambridge neighborhood, including the One First Street site. New buildings that went through the PUD reviews were evaluated for their contributions (in land, adjacent landscaping, or in money for maintenance) to this open space system.

On the other hand, reused buildings, like the Davenport Building adjacent to One First Street, were seen as enhancing the public urban environment primarily through historic preservation, although often with interior courtyards that chiefly serve as private amenities for the inhabitants of the building, such as those at the Davenport building.

Like the Davenport Building the open space provided at One First Street is in a central courtyard, entirely surrounded by the architecture of the project, in this case dwellings that contain housing units on the ground floor immediately adjacent to the open space.

The open space is meant to provide a sanctuary and quiet amenity for the residents of a development surrounded on all other sides by hard surfaces and a busy urban environment. The public benefit derived from this open space is not that it is accessible, or even visible to the general public, but rather that it provides an essential amenity to the future residents of the complex that makes residential use of these industrial buildings viable.

*c. Perimeter and Transition, Section 13.56.*

The Ordinance directs that where a building fronts on a public street or public park special efforts should be made to harmonize with and complement the public space. The buildings here will not front on a public park. They will continue, however, to provide the physical backdrop to four very important public streets in East Cambridge. The redevelopment of this site will transform what is now a rather hostile, vehicle-dominated environment at its public edges into a pedestrian friendly one where, in addition to housing, active uses including retail stores and some offices will occupy much of the ground floor of the buildings. Aspects of the site that have had a negative impact on the public environment for years: surface parking lots and numerous open and enclosed loading facilities, will be replaced with friendly facades containing active and engaging uses.

*d. Parking and Loading Requirements, Section 13.57.*

All parking and loading requirements of the District will be met.

**3. Consistency with the *Eastern Cambridge Planning Study***

The recently adopted zoning at this site reflects the goals and objectives of the *Eastern Cambridge Planning Study*, and was specifically shaped by the two-year planning effort that led to the study's publication. That zoning is designed to encourage the reuse of existing historic structures for a combination of housing, retail and office uses. Uses are encouraged that contribute to an active street environment during both the day and evening.

As measured against the *Study's* Vision Statement, articulated in six enumerated goals, the Planning Board finds that the this project measures up well:

- This project will transform an active, heavily industrial environment into a residential enclave that will further strengthen a growing neighborhood of new, denser residences in the mixed-use district that has grown up around the Lechmere Canal. The residential, retail and office activities that will fill the renovated buildings will firmly integrate this pivotal block into the public pathways that connect the East Cambridge waterfront with the old residential neighborhood beyond Third Street.
- The project will expand the range of housing opportunities and provide a significant addition to the city's inventory of affordable units immediately adjacent to a soon to be enhanced public transit line.



- The enterprises that will occupy the small retail and office spaces provided will likely serve the needs of the legal community and other existing business populations already in the neighborhood, as well as those service needs generated by a growing resident populations.
- The development is immediately adjacent to the T's Lechmere Green Line station and the conversion of the buildings to residential use will make possible a dramatic improvement in the quality of the public streets that surround the development, to the significant benefit of pedestrians circulating through this emerging mixed-use retail and residential district.
- While new publicly accessible open space will not be provided on this very densely built up block of industrial buildings, a significant open space amenity will be provided for the new residents of the complex, providing added assurance that the reuse of the complex to housing will have long-term viability.
- The development will bring to life a complex of industrial buildings that has suffered from neglect and incompatible adaptation for decades, will introduce yet another component of housing to reinforce the residential activity already present in the vicinity, and will ensure that this block at the heart of a new, emerging Lechmere Square will contribute positively to a new, more engaging neighborhood.

#### **4. Consistency with the *Eastern Cambridge Design Guidelines***

The guidelines presented in the *Eastern Cambridge Design Guidelines* are intended to assist the Board in evaluating the merits of development schemes as they are proposed in eastern Cambridge. The guidelines are not requirements and no proposal will perfectly match all physical attributes described in the guidelines. However, it is the Board's finding that on balance One First Street is consistent with the guidelines both in spirit and in its many specific details, as set forth below.

*a. Goals.* The *Guidelines* establish a number of goals for development in Transition Areas, within which One First Street lies: *Encourage the development of new residential activity, including through conversion of existing buildings to housing use; craft heights so that they provide a transition in scale between development areas and the historic residential neighborhood; and create better bicycle and pedestrian connections between the varied activity centers in Eastern Cambridge.*

A large complex of important industrial buildings will be converted to a significant number of housing units. The historic buildings will be handsomely restored and new construction will extend that quality to portions of the site that had been blighted by parking lots and loading facilities. The existing variation in heights has been carefully preserved in the rehabilitated complex of buildings, with the lowest portions of the complex at particularly critical locations, as along Otis Street and Second Street, and the

greatest height and bulk in the new construction located at First Street adjacent to buildings of recent vintage that are comparable in size.

All the public streets abutting the project will be substantially enhanced and made more friendly to pedestrians with the restoration of the historic buildings, introduction of more engaging uses at the ground floor, elimination of disruptive service facilities at many locations, and through improvements to the streets and sidewalk infrastructure themselves.

*b. Built Form – Street Level Uses and Design.* The *Guidelines* establish a number of standards for new development on residential blocks: *create a residential edge with stoops, setbacks, porches, etc; individual units and doors facing the street; residential lobbies about 75 feet apart; avoidance of blank walls.*

The reuse nature of this development and the historic character of much of the physical fabric that is being reused limit the options available for organizing the site for residential use: e.g. setbacks are established by the existing buildings. Nevertheless, as proposed those buildings have been modified for residential use in ways that are consistent with the guidelines: e.g. multiple entries are provided to multiple buildings, which actually function independently, with townhouse units along Second Street.

Most of the ground floor is devoted to residential units. However, active retail and office uses are intended at strategic locations on the ground floor where they will enliven the adjacent public realm along First Street and Cambridge Street particularly. Within the limits imposed by the dictates of historic preservation, all ground floors have been made engaging facades replete with windows and entry doors. No significant stretch of the complex will have blank walls.

*c. Built Form – Building Height and Orientation.* The *Guidelines* establish a number of standards: *Along major public streets set back any portion of the building above 65 feet by at least 10 feet; discourage driveway and vehicle drop-off facilities on main streets; locate loading docks on side streets; orient residential courtyards to the south; orient building entry locations toward corners; or residential buildings provide setbacks for stoops, porches and front gardens.*

Again, as the project is a reuse of an existing complex of historic buildings, design choices are constrained. Nevertheless, these guidelines are substantially and creatively observed. The constituent building blocks of the complex present a varied height regime. While the PUD-4A district would allow buildings up to 89' 10" feet in height, significant portions of the complex are closer to the 65 foot baseline height established in the guidelines, along Otis Street, Second Street and portions of Cambridge Street. Small-scale residential loading requirements have been accommodated in a small service courtyard screened from general public view; the prominent industrial-era loading facilities on Otis Street and First Street have been eliminated. Parking has been mostly consolidated in an underground garage served by a single entry. The final approved heights are not inconsistent with the heights of existing neighboring buildings and the heights anticipated for future buildings at Lechmere Square.

Customary porches and front gardens cannot be provided generally because of the fixed location of the existing buildings and in part because the more urban and commercial context of abutting blocks does not suggest that design approach. A substantial interior landscaped courtyard has been incorporated into the design of the development to provide an open space amenity for the future residents.

*d. Built Form – Scale and Massing.* The *Guidelines* establish a number of standards: *Block sizes similar to East Cambridge block; avoid continuous massing longer than 100 feet facing residential streets but if greater it should be made permeable and visibly articulated as several smaller masses; buildings should reflect a rhythm and variation appropriate to the urban context; buildings should have a clearly expressed base, middle, and top, create interesting and varied rooflines, express the tops of buildings, emphasize corners, articulate taller buildings to avoid a monolithic appearance.*

The historic architecture that is at the foundation of the approved development is the prototype for many of these indicators.

The block, which the project almost entirely encompasses, is 400 feet long and 200 feet wide; penetrations into that block to break down its size are difficult because of the harm such alterations would cause to the integrity of the buildings that are being preserved. Nevertheless, the incremental development of the block as an industrial enterprise over two centuries has left a legacy of smaller, separate constituent buildings that creates a varied and engaging architectural ensemble that obscures the large scale of the block as a whole. Where new construction is proposed, that historic pattern is imitated but in new and contemporary architectural fashion. Of necessity, the scale of the project reflects its own industrial past and the similar past of adjacent blocks; here the approved residential use is adapting to that industrial past rather than fashioning a new urban residential context from a blank slate.

Despite the block's large scale, nothing about the project is monolithic, with the smaller individual buildings reading clearly, each with its own style and character, and each displaying the architectural devices that make them interesting and engaging from the public street.

*e. Built Form – Architectural Character:* The *Guidelines* establish a number of standards: *Create varied architecture and avoid flat facades, maximize the number of windows facing public streets.*

The project has the advantage of adapting a series of historic structures, which not surprisingly, display the architectural motifs that are the inspiration for the guidelines in the first place. The new construction is fully in the spirit of the older context into which it is being placed while being fully expressive of contemporary design standards and custom.

*f. Built Form - Environmental Guidelines:* The *Guidelines* establish a number of standards:

*Use natural and energy resources efficiently in construction, maintenance, and long-term operation, allow buildings on adjacent lots to do the same, employ LEED certification standards where possible, site and shield rooftop mechanical equipment to protect neighboring uses from noise impacts.*

By virtue of its location, the development advances the environmental objectives of the LEED program by presenting the opportunity to future residents of living their daily lives free from complete or even substantial dependence on the automobile. The future build-out of North Point, the creation of an actual Lechmere Square out of an amorphous intersection of transportation routes, and the established retail, residential and office district around Lechmere Canal will combine in the future with this dramatic reuse of an aging industrial complex to create a new urban center of residential living fully consistent with LEED objectives.

The mechanical systems necessary to support the development have been consolidated to a single location on the site, are well integrated architecturally, and are designed to minimize their impact on the general public and immediate neighbors.

*g. Built Form - Parking:* The *Guidelines* establish a number of standards:  
*Underground parking is preferable, locate vehicular parking entrances on side streets, provide safe pedestrian access from public streets, provide direct pedestrian access to the street.*

With the exception of about ten spaces on the surface, accessed from Cambridge Street and intended to permit short-term unloading and visitor parking, all the parking serving the site is located in an underground parking facility accessed off of Otis Street by a single driveway at the site of an existing loading bay. Otis Street is the least trafficked of the abutting streets.

*h. Public Realm - Open Space.* The *Guidelines* establish a number of standards for North Point as a whole: *In transition areas, locate new open spaces to create linkages to existing park facilities; design semi-public open spaces (front and rear yards, stoops, patios) for residential developments to create a transition from public sidewalks and courts to private interior spaces; design residential courtyards to be visually accessible from streets to enhance safety and activity along the street.*

The dense urban character of the block, filled with historic structures, does not provide a real opportunity to create a large open space easily accessible to the general public. Furthermore, the very industrial character of the existing buildings as they front on very busy and very public streets leaves little room for mediating open space gestures at the perimeter of the block. The challenge at the site has been to provide vital open space amenities to serve the needs of the future residents of the site to ensure that residential living will be comfortable, pleasant and ultimately successful at a location that has a surfeit of urban energy.

The Board concurs with the Permittee that publicly accessible open space is not critical at this location with Centanni Way, Lechmere Canal Park, Charles Park and Front Park recently established in the vicinity and with a large public park anticipated in the years to come at North Point across O'Brien Highway. Rather, the vital need will be for a quiet open space retreat for residents of the complex as a counterpoint to the hard surfaces that surround it on all sides; the interior landscaped courtyard serves that function well.

While the Board would have preferred more unencumbered visual access from the public streets into the courtyard, the constraints to altering the surrounding historic architecture has limited that option; only two limited points of visual access are provided, for those in the general public who seek them out.

In addition, the sharp grade change across the site makes it possible to have the interior courtyard at street grade only for a very limited distance along Cambridge Street; otherwise the falling grade puts the open space several feet above the encircling street levels.

While public passage through the courtyard from Cambridge Street to Otis Street would be physically possible, the Board agrees with the Permittee that at this location especially, public access would be difficult to buffer from residents in what is a tightly encircled courtyard; even limited public access might seriously compromise the amenity value of the open space for those residents for whom the courtyard is the only outside view from their homes.

*i. Public Realm - Streets and Sidewalks: The Guidelines establish a number of standards: Use streetscape elements such as trees, benches, signage, and lighting to support active pedestrian uses; design streets to encourage pedestrian and bicycle activity, and to control vehicle speed; where appropriate, establish, preserve and highlight views from public streets and spaces to important civic landmarks; provide sufficient pavement width to accommodate on-street parking; provide pedestrian-scale lighting to enhance pedestrian safety.*

No new streets are being created here; an already fully formed street pattern exists. Those street frontages will be greatly enhanced for those who already frequent this neighborhood, as pedestrians or drivers, visitors or residents. New parking will be created on Otis Street, visually and physically disruptive loading facilities will be eliminated on Otis and First Streets, the abutting sidewalks will be greatly enhanced with new furniture, paving and street trees, and at critical locations bump-outs and other devices will be used to enhance crossing of the adjacent public streets.

*j. Public Realm – Connections. The Guidelines establish a number of standards: Provide safe pedestrian and bicycle connections to future regional pathways; provide strong pedestrian, bicycle and visual connections to the Charles River and public parks, particularly at First Street; provide safe pedestrian and bicycle connections to existing and new bus stops and to transit stations including Kendall Square, Lechmere, Community College and North Station MBTA stations; provide new pedestrian crossings along O'Brien Highway; provide for improved pedestrian and bicycle connections to and from the Orange Line T station.*

The logical pathways for pedestrians and bicyclists moving between the neighborhood and the existing and future mixed-use districts along the eastern periphery of East Cambridge in the vicinity of this project already exist here in the four public streets that surround the project. Improvements to those facilities have been noted elsewhere.

*k. Public Realm – Transportation. The Guidelines establish a number of standards: Preserve rights of way for future the Urban Ring project, provide pedestrian crossings/phases at all major intersections, provide bicycle lanes on major streets, provide sheltered bicycle racks in multi-family residential buildings.*

Access to any future station of the final subsurface phase of the Urban Ring can be accommodated by the approved project. Major transportation improvements in the vicinity will be undertaken by a wide range of projects already approved, with the result that there will be a seamless web of pedestrian, bicycle, car and transit connections throughout the East Cambridge waterfront.

#### **5. Conformance to the criteria for reduction in required parking, Section 6.35.1 of the Zoning Ordinance**

The Planning Board finds that there is no compelling need to provide parking for the ca. 10,000 square feet of retail and office space approved in the project. The small retail shops and offices to be accommodated will serve the needs of persons already in the neighborhood or residents at One First Street. No use in this space is expected to draw clientele from a great distance. However anyone driving will have ample options to park as indicated below without negative impact on street parking in the residential neighborhood. The enterprises may not need to provide parking at all if the conditions set forth in Section 6.32.1 are met. The Board notes the following.

*a. The availability of surplus parking in the vicinity of the use being served and/or proximity to an MBTA transit station.*

The site is across the street from the MBTA Green Line Lechmere Station and one block from the East Cambridge Municipal Parking Garage. At 10,000 square feet in area, likely to be subdivided into smaller units for rental purposes, the office and retail enterprises are anticipated to be serving local demand for services and will not cause people to drive from a distance to patronize them

*b. The availability of public or commercial parking facilities in the vicinity.*

The aforementioned municipal garage is one block away. The Cambridgeside Galleria Mall, which on most occasions has surplus parking, is about two blocks away.

*c. Shared use of off street parking spaces.*

There will be no shared use of parking. Housing is the other, principal use to be accommodated in the development. While the housing demand for parking may be reduced through the day, or because of reduced demand as a result of proximity to transit,

its pattern of use would not regularly guarantee an opportunity to share parking with a commercial tenant.

*d. Age or other occupancy restrictions.*

There will be no use or occupancy restrictions imposed. Nevertheless the scale of the non-residential component of the development is such that not providing any accessory parking will not produce unreasonable impact.

*e. Impact of the parking on the physical environment.*

Because of the physical constraints imposed by the structural nature of the historic buildings on the site, there is not great flexibility in expanding the supply of parking on site. The important parking demand for the residential units to be constructed has been met. The Board does not find that additional costly efforts to add spaces in the underground facility is justified for the small component of non-residential use to be provided.

*f. Provision of parking will increase the cost, require variance relief, or will diminish environmental quality to the detriment of the provision of affordable housing units.*

The affordable units provided will be provided with accessory parking.

**6. Conformance to the general criteria for the issuance of special permits contained in Section 10.40 of the Zoning Ordinance**

*A special permit will normally be granted where specific provisions of this Ordinance are met, except where the particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting such permit to be to the detriment of the public interest because of the following.*

*a. The requirements of the Ordinance cannot be met.*

All requirements of the applicable provisions of the Zoning Ordinance will be met with the issuance of the PUD, Project Review, other Special Permits, and the granting of the required variance from the Board of Zoning Appeal.

*b. Traffic generated or patterns of access and egress will cause congestion, hazard, or substantial change in established neighborhood character.*

The residential project will have minimal impact on abutting city streets. What traffic will be generated will not cause congestion or hazard; the character of the neighborhood, however, will be substantially altered for the better with the elimination of the intensive, truck dependent industrial use. At least six existing curb cuts will be eliminated.

*c. The continued operation of or development of adjacent uses as permitted in the Zoning Ordinance will be adversely affected by the nature of the proposed use.*

The project is fully compatible with the character and operation of adjacent uses as they have evolved from industrial activity to a modern mix of office, research, residential and retail activities consistent with area-wide plans developed and adopted by the City of Cambridge since the late 1970s onward.

*d. Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City.*

No nuisance or hazard will be created. Existing nuisances from the operation of the site as an industrial center of candy manufacturing will be eliminated.

*e. For other reasons, the proposed use would impair the integrity of the district or the adjoining district, or otherwise derogate from the intent and purpose of this Ordinance.*

The approved development implements fully the objectives of the PUD-4A District and of the ECaPS planning study that preceded them.

#### **7. Conformance with Traffic Impact Findings required in Section 19.25.1**

Based on the findings of the Traffic Study and the mitigation measures to be required as a condition of this Permit, the Planning Board finds that the project will have no substantial adverse impact on city traffic within the study area.

#### **8. Conformance with Urban Design Findings required in Section 19.25.2 (reference to Section 19.30 – Citywide Urban Design Objectives)**

*a. Responsive to the existing or the anticipated pattern of development.*

The existing pattern has been fully set by virtue of the historic nature of the complex. The new construction added to the historic structures continues the pattern of development already established.

*b. Pedestrian and bicycle friendly development.*

The new use and the alternations to be made to the entire block to accommodate that residential use enhance the pedestrian and bicycle environments that are located within the surrounding public streets.

*c. Building and site design mitigate adverse environmental impacts of a development upon its neighbors.*

The conversion of the complex from heavy industrial use to housing results in significant improvement in the environment of the area, with reduced truck traffic, historic rehabilitation of the structures, the introduction of a large component of residential living in an area now almost totally devoted to commercial uses.



*d. Impact on the City of Cambridge infrastructure, including neighborhood roads, city water supply system and sewer*

The burden placed on city infrastructure is reduced with the change of use.

*e. New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.*

A central element of the project is the rehabilitation, and as a result the salvaging of, a memorable complex of historic structures that have been increasingly abused over time as they have been modernized through the years in order to sustain the manufacturing uses long established on the site.

*f. Expansion of housing inventory.*

One hundred and ninety-nine units of housing will be created including the required complement of twenty-three affordable inclusionary units.

*g. Open space enhancement and expansion.*

The site is not well suited to the development of a significant public open space facility. However, an important private open space amenity will be created that benefits the general public indirectly by securing the housing as a viable use at this location.

### **Decision**

Based on a review of the application documents, comments made at the public hearings, and based on the above findings, the Planning Board **GRANTS** the requested Special Permit relief (Special Permit in PUD-4A, a Project Review Special Permit, Special Permit for reduction in required parking) subject to the following conditions and limitations. For purposes of this Decision Permittee shall mean the Permittee and any successors in interest.

1. All use, building construction, and site plan development shall be in substantial conformance with the plans and application documents submitted to the Planning Board as referenced above as the Final Development Plan application documents. Appendix I summarizes the dimensional features of the Project as approved.

2. The project shall be subject to continuing design review by the Community Development Department (CDD) in coordination with the Cambridge Historical Commission before issuance of a Building Permit for the project (or a portion thereof), the CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are substantially consistent with and meet all conditions of this Decision.

3. The following uses shall be permitted: Multifamily Dwellings as permitted in Section 13.52.1; Office and Laboratory Uses as permitted in Section 13.52.3; and Retail Business

and Consumer Service Establishments as permitted in Section 13.52.4. Active retail uses serving the general public as well as residents of the Development are encouraged in the non-residential portion of the approved Development

The aggregate Gross Floor Area of all permitted non-residential uses shall not exceed 10,000 square feet. Reduction of the non-residential portion of the Development below 9,000 square feet shall require approval from the Planning Board as a Minor Amendment upon demonstration by the Permittee that retail and similar consumer service activities or office uses cannot be successful at the locations shown in the application documents and in the quantities approved.

4. The Permittee or any successor in interest shall be required to implement the following traffic mitigation measures:

a. In order to help maintain a low automobile mode split by providing transportation options to residents of this development, the Permittee shall ensure that peak hour van/bus shuttle service to the Kendall Square transit station in the morning and evening commuter hours is made available at no cost to residents of the development for at least three years after initial occupancy. Service must be provided for at least two hours in the morning and two hours in the evening and have a maximum headway of twenty minutes; the Community Development Department (CDD) may authorize alterations in the characteristics of the service as experience may suggest. The service should be initiated no later than the issuance of the first Certificate of Occupancy for the development and shall cost the Permittee no more than \$7,500 per year for the first three years. During the third year, the Permittee shall survey all occupants of the building in a manner approved by the CDD to determine if subsidized shuttle service should continue. If the survey finds that the service is not effective, the Permittee's commitment shall cease. This service may be provided either independently or in cooperation with other area property owners through a service such as the EZ Ride Shuttle.

b. In order to provide the option for access to the Urban Ring should it be constructed in the future, the new building at First Street shall be constructed so that it can accommodate in the future the installation of a thirty foot by thirty foot transit headhouse on the ground floor adjacent to the public sidewalk at the intersection of First Street and Cambridge Street.

c. The Permittee shall install curb extensions at the intersection of Second Street and Otis Street and any necessary wheelchair ramps improvements at the crosswalks at First and Otis Streets and First and Thorndike Street, with review and approval of the plans by CDD, TP&T, and PWD, before issuance of the final Certificate of Occupancy for the project. The final construction drawings for these improvements shall be submitted with plans submitted for the issuance of a Building Permit.

d. The Permittee shall cooperate with the City's transportation planning efforts by surveying residents as to their transportation activities, conducting occasional driveway counts, undertaking efforts to reduce auto-ownership and developing programs to encourage non-auto travel.

- i. The Permittee shall provide an annual update to the Community Development Department summarizing the transportation activities of residents. The update should include any survey results of residents' modes of travel, trip destinations, and/or other transportation preference information, as well as information about driveway volumes, parking utilization, and parking management. This information is intended to be used by the city and the proponent to find ways to encourage alternative means of travel to and from the site.
- ii. The Permittee shall present a summary of on-site parking fees to TP&T for review, and shall subsequently implement said fees, that will provide appropriate pricing to discourage on-street parking while balancing the desire to discourage single-occupant-vehicle (SOV) trips. The Permittee or any subsequent owner shall provide a written update to TP&T whenever the fees are changed.
- iii. The Permittee shall be a member of the Charles River Transportation Management Association (CRTMA), or any successor thereto.
- iv. Management of the property shall undertake reasonable efforts provide one or more parking spaces in the East Cambridge Municipal Parking Garage by a car-sharing service.
- v. A free transit pass, for a period of one month, shall be provided with each condominium sold initially.
- vii. Management of the property shall market the availability of alternative modes of transportation by posting information on such modes, including MBTA and shuttle schedules, TDM programs, and car-sharing information, at a centralized, prominent location in the building, as well as in any project newsletters, emails, or website.
- viii. Management of the property shall a current point of contact for transportation-related inquiries to the Traffic, Parking and Transportation Department and the Community Development Department.

5. The Permittee shall meet all requirements and standards of the City of Cambridge and its relevant departments with regard to the design and installation of the following infrastructure and utility improvements necessary to service the development, as if such facilities were to be installed in city streets: sidewalks, water and sewer service, stormwater management systems, electrical service, and cable installation. Any department that may have jurisdiction shall determine that all utility improvements on and off the site are sufficient to support the project, that all construction details are designed to City standards and that such improvements are installed, without cost to the City, in a satisfactory manner.

6. All authorized development shall conform to the requirements of the City of Cambridge "Noise Control Ordinance", Chapter 8.16 of the City Municipal Code.

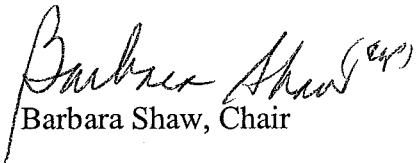
7. All construction shall comply with the Asbestos Protection Ordinance, Chapter 8.61 of the City Municipal Code.

8. A final landscaping plan for the courtyard and the street tree plantings and street furniture for the abutting street rights of way shall be completed and reviewed by the Community Development Department before issuance of the first building permit for the development.

Based a review of the application documents, testimony taken at the public hearings, and based on the above findings the Planning Board **GRANTS** special permit relief requested for a PUD and Project Review Special Permit.

Voting in the affirmative to grant the Special Permit relief requested were P. Winters, T. Anninger, W. Tibbs, H. Russell, T Carpenter, J. Hrabchak, and B. Shaw constituting at least the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,

  
Barbara Shaw, Chair

A copy of this decision #192 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 June 18, 2004, By Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision.  
No appeal has been filed.

DATE:

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City Clerk City of Cambridge

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, One First Street Property, LLC, c/o Beacon Capital Properties Inc., One Federal Street, 26<sup>th</sup> Floor, Boston, MA 02110 agrees to the conditions attached to this Decision approving the granting of a PUD Special Permit for Case #192.

  
Robert W. Foster, SVP, Leggat McCall Properties, LLC, Authorized Representative,

**Appendix I – Dimensional Form**

**Special Permit # 192                      Address: One First Street**

	<b>Allowed/Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Granted</b>
<b>Total FAR</b>	3.89 plus 30% density bonus	3.89	4.10 (including density bonus)	4.10 (including density bonus)
<b>Residential</b>				
<b>Non-Residential</b>				
<b>Inclusionary Bonus</b>				
<b>Total GFA in Sq. Ft.</b>	363,042 SF	281,497 SF	297,498 SF	294,154 SF
<b>Residential</b>			288,542 SF	284,527 SF
<b>Non-Residential</b>			8,956 SF	9,627 SF
<b>Inclusionary Bonus</b>				
<b>Max. Height</b>	89' – 10"	89' – 10"	83'-9"	82' 4-1/2"
<b>Range of heights</b>				
<b>Lot Size</b>	25,000 SF	72,418 SF	No Change	No Change
<b>Lot area/du</b>	300 SF	N/A	470 SF	473 SF
<b>Total Dwelling Units</b>	314	None	200	199
<b>Base units</b>			177	176
<b>Inclusionary units</b>			23	23
<b>Min. Lot Width</b>	50 feet	125 feet	No Change	No Change
<b>Min. Yard Setbacks</b>	0	N/A	0	0
<b>Front</b>				
<b>Side, Left</b>				
<b>Side, Right</b>				
<b>Rear</b>				
<b>Total % Open Space</b>	20%	0%	31.9%	31.9%
<b>Usable</b>				
<b>Other</b>				
<b>Off Street Parking</b>				
<b>Min #</b>		47	202 plus 6 tandem	200 plus 3 tandem
<b>Max #</b>		47	202 plus 6 tandem	200 plus 3 tandem
<b>Handicapped</b>		0	10	10
<b>Bicycle Spaces</b>	100	0	100	100
<b>Loading Bays</b>	None	10	None	None