

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case No: PB #217

Address: 450 Massachusetts Avenue

Zoning: Business B/Central Square Overlay District

Owners: Massachusetts Institute of Technology, 238 Main Street, Suite 200, Cambridge, Mass, 02142-1012

Applicants: As in Owner above.

Application Date: July 27, 2006

Public Hearing: August 15, 2006

Planning Board Decision: August 15, 2006

Date of Filing Decision: October 6, 2006

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
OCT - 6 A 11: 21

Application: Construction of a mixed-use building containing retail, office and theater uses and containing 29,651 square feet of space. Waiver of setback, height and parking and loading requirements as permitted in the Central Square Overlay District for existing buildings on the site and waiver of parking requirements for the proposed new construction. Waiver of the open space requirements of Section 19.50. Sections 20.304.2, 20.304.4, 20.304.6, 19.50

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:

For further information concerning this decision, please call Liza Paden at 617-349-4647, TTY: 617-349-4621, email lpaden@ci.cambridge.ma.us.

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Documents Submitted

1. Special Permit Application certified complete and filed with the City Clerk on July 28, 2006 containing the project description; dimensional form; plans, elevations, and floor plans and photos of existing; ownership certificate; application fee.
2. Plans entitled "450 Massachusetts Avenue" undated; by Pfeufer/Richardson P.C. Architects, various scales; including site plan, locus plan, plans labeled A.01- A.13, elevations, sections and floor plans.

Other Documents Submitted

1. Revised Appendix I – Dimensional Form, undated but submitted at the public hearing on August 15, 2006.
2. Letter to the Planning Board from Elaine Thorne, CDD staff, dated August 8, 2006 summarizing the comments of the Central Square Advisory Committee.
3. Letter to Michael Owu, MIT, from Charles Sullivan, Cambridge Historical Commission, dated August 10, 2006 outlining the Commission's actions with regard to the demolition of buildings at 452-458 Massachusetts.

4. Letter to the Cambridge Planning Board from Senator Jarrett Barrios dated August 10, 2006
5. Letter to the Planning Board, et al, from Elizabeth McNerney dated August 10, 2006
6. Letter to the Planning Board from Representative Martha Walz dated August 14, 2006.
7. Letter to the Planning Board from Carl Barron dated August 14, 2006.
8. Letter to the Planning Board from Councilor Michael Sullivan dated August 15, 2006.
9. Facsimile to Lester Barber from Martin Blatt dated August 15, 2006.
10. Letter to the Planning Board, et al, from Jane Donohue dated August 15, 2006.

Findings

After review of the application documents, other documents submitted to the Board, testimony taken at the public hearing, and review of the special permit criteria, the Board makes the following findings.

1. Conformance with 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.

With the granting of this special permit the requirements of the Ordinance will be met.

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

No new private passenger car traffic will be accommodated on the site. Patrons and employees of the enterprises to be accommodated here will

use public transportation or publicly available surface parking lots and parking garages that are located in ample quantity nearby. Loading services will be provided by an upgraded existing facility serving uses already on the site.

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.

Adjacent uses will likely be enhanced by a new structure bringing new life and energy to a site that is now dominated by a dilapidated building and parking lots (the applicant has indicated in the application that there are no legally established accessory parking or loading facilities on the site. No parking for this site appears in the city inventory of parking spaces maintained by the Traffic, Parking and Transportation Department or on the MIT inventory of parking facilities maintained by the Institute for its real estate holdings, as indicated in the attached dimensional form and in the application documents). The live theaters in particular will bring patrons who will likely be seeking retail services from already established businesses in the neighborhood.

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

No nuisance or hazard will be created. An existing nuisance and hazard, in the form of a derelict building, 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 intent of the Zoning Ordinance generally, and specifically the Central Square Overlay District sections of the Ordinance, is to encourage an active retail and service center in Central Square. This proposal will advance that objective significantly: it will bring new people to Central Square, support existing businesses, and make more attractive street frontages on Massachusetts Avenue and Green Street that currently do not make a positive contribution to the visual environment of the square.

2. Conformance with the criteria for the issuance the special permit under Section 20.304.2(b) and (c): Additional Height and Waiver of the Sky Exposure Plane, Section 20.304.4: Waiver of Setback Requirements, Waiver of Parking and Loading requirements, (20.304.6).

No special criteria are established for the granting of additional height or waiver of setbacks in the Central Square Overlay District. Any special permit, however, must meet the following general standards. In determining the consistency of the proposal with the Central Square Overlay District's special permit criteria, the Planning Board relies in part on the findings and determination of the Central Square Overlay District Advisory Committee in supporting the project.

a. The proposed development is consistent with the goals and objectives of the Central Square Action Plan

Height relief is only required from the existing Kennedy Building, which at fifty-eight feet, exceeds the as-of-right height allowed in the Central Square Overlay District. By granting of this special permit this building will be made conforming to all height limitations in the district. The existing building will not be altered in any way.

The setback waiver relief is required because the residential uses located on the upper floors of the Kennedy building are subject to the formula setback requirements of the Residence C-3 District. The current building does not meet those setback requirements but the existing setbacks will not be altered in any way. The granting of this waiver will make the building conforming as to setbacks requirements in the Central Square Overlay District.

The waiver of parking and loading for the existing buildings is required to permit the construction of the new theater and other uses without the need to secure a variance for expansion of a non-conforming structure. Such waiver makes the existing buildings, for which there is no legally established accessory parking and loading facilities, conforming as to the requirements of the Zoning Ordinance for those facilities.

The proposal will meet the goals of the Central Square Action Plan. The development is logically related to the buildings already on the site and to the two main streets upon which it faces; it will strengthen the retail base of the Square by bringing new people into the square, particularly in the evening and on weekends; the theaters introduce a major new cultural enterprise into the already diverse mix of activities in the square; the entry courtyard off of Massachusetts Avenue offers the prospect of an inviting and entertaining space not currently present in the Square; the new buildings will be a significant upgrade on those portions of the site that are now of little visual interest or are decidedly unattractive; retail activity will be introduced on the Massachusetts Avenue frontage, and if it is viable in the retail market, on Green Street as well; and while the South Row was not able to be rehabilitated, its façade will be reconstructed in great detail and be a much appreciated historical

marker of the physical changes that have occurred in Central Square since the founding of the city.

b. The building and site design is consistent with the *Urban Design Plan for Central Square* as outlined in the *Central Square Action Plan* and the *Central Square Development Guidelines*.

The existing Kennedy Building is a contributing building within the Central Square National Register Historic District and is an important feature of the built environment in Central Square. The relief sought only makes the buildings conforming to current zoning requirements in the District; no alterations will be made to the buildings.

The waiver of parking makes it possible to set the new theater and ground floor retail space on the lot in ways that strengthen the urban qualities of Massachusetts Avenue and Green Street, that complement the existing store frontages to either side of the theater site, and create attractive buildings where only parking lots and empty, decaying structures now exist. The theater use will bring significant numbers of people to the site at times of the day when other uses are closing down.

Waiver of the parking and loading requirements for the existing buildings will make them conforming as to those requirements to the extent that legally established accessory parking and loading facilities do not exist on the site. That conforming status will permit additions to those existing buildings, as proposed in the application, without the need to seek a variance from the Board of Zoning Appeal.

c. No national Register or contributing building is demolished or so altered as to terminate or preclude its designation as a national Register or contributing building.

The South Row building at 452-458, which is a contributing building in the Central Square National Register Historic District, will be demolished and replaced with a replica building. The Cambridge Historical Commission has determined that those actions will not alter the National Register status of the building. The Commission has declared that the existing building is no longer a preferably preserved significant building. Therefore, from the regulatory point of view, no National Register or contributing building will be altered in ways that would prohibit the issuance of the requested special permits.

d. No National Register or contributing building is altered or has been demolished in the preceding five years.

See Paragraph c above.

3. Conformance with the criteria for the issuance the special permit under Section 20.304.6: Waiver of Parking and Loading Requirements.

a. The exemptions will result in a more appropriate building design for its location and context and is in conformance with the *Central Square Development Guidelines*.

There will be no parking provided for the proposed new uses, which will be constructed on a lot now containing some accessory parking for activities in the existing buildings on the site. To provide the parking required for the new uses (ca 21 spaces), replace in the new development the spaces now on the proposed construction site (ca 13 spaces), and install a conforming loading area (at 10' x 40') would make the project infeasible financially. Facilities would have to be put below grade or it would necessitate a building design that was larger in scale and/or a significant visual detriment to the qualities of the development's interface with the public realm on Green Street and Massachusetts.

b. The findings in Section 6.35.1 can be made: that excessive congestion will not result; public safety will not be endangered; the availability of parking for other uses will not be substantially reduced; there will not be adverse impact on the neighborhood; and positive environmental benefits will accrue to user of the lot and the neighborhood

No congestion will be created; public safety will not be endangered; the building is located at the heart of Central Square where use of public transit and multiple-occupancy vehicles is strongly encouraged and possible without significant effort; and the development site is well served with public parking lots and parking garages as well as publicly accessible private parking within a block or two.

The development will upgrade the now derelict frontage on Massachusetts Avenue with retail storefronts and the major entry into the new theater complex. The now barren parking lot frontage on Green Street will be replaced with a modest sized building that has the potential for retail storefronts and, with good design details, for an interesting theater presence on that street.

Some residents in the Kennedy Lofts building on Green Street will be directly affected. The quality and design details of the theater building will be important in ensuring that their visual environment is upgraded.

c. The findings in Section 6.35.1 are based on the following considerations: that there is surplus off-street parking in the vicinity or proximity to an MBTA station; availability of public or commercial parking; parking can be shared with a use having a different demand, age or occupancy restrictions to likely to lower auto usage; negative environmental impacts as a result of providing the parking; increases the financial and procedural costs of providing affordable housing.

As stated above there is a significant amount of public parking available within walking distance of the site. The most significant demand for that parking will be in the evening when space is most readily available in those facilities.

The MBTA Redline and numerous bus routes serve the heart of Central Square and will serve the future patrons and tenants of the new development as they have served the tenants and patrons of the existing buildings on the site.

Provision of parking on site, if it were even financially feasible, would result in a larger structure with negative visual impacts on the public streets and with more disruptive movements by vehicles in and out of the site.

4. Conformance with the criteria for the issuance the special permit under Section 19.51.2.

Section 19.50 establishes site and building design requirements intended to ensure that new buildings in commercial districts greater than 25,000 square feet are sited on their lots and designed to advance the city's urban design objectives. One of those requirements is that 15% of a lot be Green Area Open Space. That requirement cannot be met here as most of the lot is now devoted to building coverage or asphalt paving.. However, the proposed new development will create a significant new pedestrian plaza as an entry courtyard to the new theater. While very urban in character and of much benefit to the general public and the urban environment of Central Square, this animated space does not conform to the definition of Green Area Open Space. Nevertheless the urban design objectives of Section 19.30 are amply met as outlined in the discussions above. While Green Area on this site would have been beneficial, the merits of this current proposal amply compensate for its absence at this stage in the development of the entire lot.

Decision

Based on a review of the application documents, comments made at the public hearing, written and other information submitted to the Board and based on the above findings, the Planning Board **GRANTS** the requested Special Permit relief to (1) waive the height and setback requirements for existing development, (2) waive the parking and loading requirements for the new development, (3) waive the existing parking and loading facilities for existing development on the site to the extent that no legally established accessory parking and loading facilities exist on the site to meet those requirements , subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in substantial conformance with the application documents submitted to the Planning Board as referenced above (except as they may be modified by the Conditions of this Decision) as accepted by the Community Development Department on July 27, 2006 and modified by the revised Dimensional Form. 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). Before issuance of each Building Permit for the project, the CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Permit.

In undertaking its design review responsibilities the CDD shall pay particular attention to the evolution of the details of the building, as it is visible to the general public from Green Street. The Permittee shall explore ways by which those facades can be made more engaging, relate more comfortably to the public on the sidewalk and to the residential units at Kennedy Lofts across the street, provide more visual clues to the activities occurring in the theater building in order to impart greater interest to the building's facades, indicate a presence of office or retail activity on the ground floor, and otherwise address the inherent difficulty of humanizing the large featureless volumes typical of theater buildings. More generally throughout the building, careful attention should be paid to the detailing of the proposed metal sheathing system to ensure that it fits well with the existing urban context typically rendered in more human-scaled material such as brick.

The details of the reconstructed South Row building shall be left to the staff of the Cambridge Historical Commission to review and approve.

3. The uses permitted shall be those enumerated in the application documents and in the locations illustrated in those application documents: any retail use, Section 4.35, permitted conditionally or as-of-right in the Business B District as modified by the Central Square Overlay District; any office use, Section

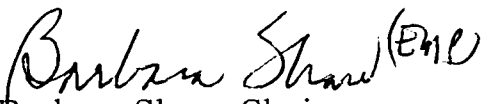
4.34; and the theater use, Section 4.35 h. While retail uses are actively encouraged on the ground floor, the Board expressly allows any office use to be established at that location.

4. The following parking and loading requirements are waived: (i) all parking and loading requirements for the new construction (ii) any legally established existing accessory parking and loading facilities on the site (if any) meeting some or all of the accessory parking and loading requirements for existing uses on the site that will be removed to accommodate the new construction; and (iii) any accessory parking and loading requirement for existing uses on the site that is not currently met by any existing legally established accessory parking or loading facility on the site.

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

Voting in the affirmative to **GRANT** the Special Permits were B. Shaw, P. Winters, H. Russell, T. Carpenter, S. Winter, and A. Finlayson 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 # 217 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 **October 6, 2006** 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 or as part of the original application.

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

DATE:
City Clerk
City of Cambridge

Appendix I – Dimensional Form

Special Permit # 217 Address: 450 Massachusetts Avenue – Existing Development

	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Total FAR	3.0	1.12	1.03	1.03
Residential		0.66	0.66+	
Non-Residential		0.45	0.35+	
Total GFA in Sq. Ft.	131,799	49,051	45,283	45,283
Residential		29,168	29,168	29,168
Non-Residential		19,883	15,515	15,515
Max. Height	55/80	58	No Change	Existing Condition
Range of heights				
Lot Size	0/5,000	43,933	No Change	Existing Condition
Lot area/du	300	2,746	No Change	Existing Condition
Total Dwelling Units	146	16	No Change	Existing Condition
Min. Lot Width	0/50	213	No Change	Existing Condition
Min. Yard Setbacks	For Residential			
Front	5	0	No Change	Existing Condition
Side, Left		32	No Change	Existing Condition
Side, Right		95	No Change	Existing Condition
Second Front	5	90	No Change	Existing Condition
Total % Open Space				
Usable	10%	16%	16%	16%
Other				
Off Street Parking				
Min #	43	0	0	0
Max #				
Handicapped	2	0	0	0
Bicycle Spaces	3	0	0	0
Loading Bays	1	0	0	0

Appendix I – Dimensional Form

Special Permit # 217

Address: 450 Massachusetts Avenue – Proposed Development

	<u>Allowed/Required</u>	<u>Proposed New</u>	<u>Granted New</u>	<u>Granted Combined</u>
Total FAR	3.0	0.67	0.67	1.70
Residential				
Non-Residential				
Total GFA in Sq. Ft.	131,799	29,651**	29,651**	74,934
Residential				29,168
Non-Residential		29,651	29,651	45,166
Max. Height	55/80	40	40	40/58
Range of heights				
Lot Size	0	43,933	43,933	43,933
Lot area/du	NA	NA	NA	2,746
Total Dwelling Units	NA	NA	NA	16
Base units				
Min. Lot Width	0	213	213	213
Min. Yard Setbacks	0	0	0	0
Front				
Side, Left				
Side, Right				
Second Front				
Total % Open Space				
Usable				16%
Other (Green)	15	0	0	0
Off Street Parking				
Min #	21	0	0	0
Max #				
Handicapped	2			
Bicycle Spaces	3	3	3	3
Loading Bays	1	1	1	1

** Office sf: Office/retail sf: Theater sf: Theater office sf:
 8,425 8,450 11,607 1,169