

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2007 FEB 15 A 10: 55
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

PRELIMINARY DETERMINATION

Case No: 222
Address: 22 Water Street
Owner/Applicant: Catamount Holdings, LLC, 90 Everett Avenue, P O Box 9252, Chelsea, MA 02150 9252
Application Date: November 21, 2006
Date of Preliminary Determination
Public Hearing: December 19, 2006

Date of Preliminary Determination: January 16, 2007

Application Planned Unit Development (Section 13.70) Special Permit and Project Review (Section 19.20) Special Permit for 392 units of multifamily housing and 392 parking spaces. This application includes requests that (1) the project is found to be eligible for the Waiver of Height Limitations - Section 13.74.35 to permit a maximum height of 150 feet and (2) the project is eligible for Additional Gross Floor Area for Above Ground Structured Parking - Section 13.79.2.

Materials Submitted

1. Special Permit Application for the Planned Unit Development Special Permit Development Proposal, dated November 21, 2006 containing application form, fee, narrative, dimensional form, ownership certificate, certification of receipt of plans (*missing*), PUD application information on the development parcel, concept, schedule; ownership, financing, feasibility, infrastructure, impacts, data and ordinance compliance, site photographs and legal description and deed.
2. Development Proposal – supplemental information, dated December 12, 2006, containing response to additional information, project review narrative, and additional and/or revised figures and plans.
3. Letter to the Planning Board from Susan Clippinger, Director of Traffic, Parking and Transportation, dated 12/12/06.
4. Letter to the Planning Board from CDD staff, dated 12/11/06, outlining zoning issues on the application #222.

5. Memo to the Planning Board from the Cambridge Pedestrian and Bicycle Commission, dated 12/8/06.
6. Letter to Barbara Shaw, Chair, from Vice Mayor Timothy J. Toomey, Jr, dated 12/19/06.
7. Letter to the Planning Board from City Councilor Anthony D. Galluccio, dated 12/19/06.
8. Letter to the Planning Board from Barbara Broussard, President of the East Cambridge Planning Team, dated 12/19/06.
9. Copy of letter to Scott Thornton, Vanasse & Associates, dated 11/22/06, certifying TIS as complete and reliable.

Additional Materials Submitted

10. Letter to the Planning Board from Stephen H. Kaiser, dated 12/28/06.
11. Email from Planning Board member Hugh Russell, to the Planning Board members, CDD staff and applicant, dated 12/20/06 re: Water Street alternative.
12. Email to the Planning Board from Richard McKinnon, dated 1/19/07, waiving the 21 days Preliminary Determination time period.

Preliminary Determination on the Development Proposal

1. *Section 12.35.2 of the Zoning Ordinance requires that the Planning Board make a determination with regard to the application within twenty-one (21) days after the first public hearing. The Planning Board may approve the Development Proposal, approve the Development Proposal with conditions, or deny the application for a special permit.*

Because of the scale and the complexity of the development proposal and the complexity of the issues that surround this proposal in its specific context in the North Point PUD-6 District, twenty one days was not sufficient for the Planning Board to fully analyze the details of the project proposed. An extension of time for further deliberation was granted by the Applicant.

The Planning Board deliberated further to reach conclusions as to the appropriate changes that should be made in the building and site development program, identified areas needing further study, and established the specific scope of the details appropriately needing change in the Final Development Plan. Therefore, as considerable change is anticipated before a Final Development Plan can be approved, approval of the Development Proposal in its current configuration is not appropriate at this time.

Nevertheless, this project does have many aspects that are positive: its general location, timing of development, and the proposed residential use are all positive. The residential use is encouraged and intended in the provisions of the PUD district, the project is generally consistent in scale with development as anticipated by the dimensional limitations of that PUD district (with the exception of the 150 foot height proposed), and the advancing of development planning at this site at this time offers the opportunity to coordinate with development planning that has advanced quickly on adjacent sites by the holders of the rights to the previously approved PUD Special Permit #179. This project will enliven this previously industrial area in the near term in conjunction with development that is made possible on adjacent sites by the relocation of the Lechmere Green Line MBTA station.

While the specific details of the proposal cannot be approved now by the Board, and as indicated below in this decision, many changes may have to be made to the proposal before the special permit can be issued, nevertheless there are sufficient positive elements of the proposal to justify continued effort on the part of the applicant to refine and modify the proposal to the Planning Board's satisfaction. Therefore, denial of the application for a special permit is not appropriate at this time.

2. Several fundamental issues raised by the project's initial design need resolution by the Planning Board before a Special Permit can be issued for a Final Development Plan. The resolution of those issues will require presentation of further information to the Board (detailed below), likely alteration in the building and site design of the project, and further deliberation on the part of Planning Board members:
 - a. The applicant has suggested a building 150 tall within that portion of the zoning district with a height limit of 120 feet (it is recognized by all parties that 150 feet can only be allowed by the granting of a variance for the project from the Board of Zoning Appeal). The appropriate scale and height of development on the site needs more comprehensive analysis and review. The Board has not dismissed the request for additional height categorically but must be persuaded that such added height has benefits to the project as a whole that accrue not only to the proponents but to the public as well and that any additional height is appropriate as viewed from the existing residential neighborhood south of Monsignor O'Brien Highway.
 - b. The applicant has applied the provisions of Section 13.79.2 (the granting of additional GFA for above-grade, enclosed accessory parking) to the design of the project. While it does not appear that the provision was originally intended to apply to this particular circumstance, the Board remains open to considering application of this section to this site. Even if the Board determines the section does apply, the Board must further review the design implications, for the development of the site, of at least one level of parking located above grade.
 - c. The previously approved Special Permit #179 has established an east/west boulevard feature that would provide open space, roadway circulation and a location for a regional multi-use bike and pedestrian path system. That east/west boulevard concept (#179) could not be fully realized, as this site (#222) interrupts the flow of roadways and open space. The approved Final Development Plan by Special Permit #179 therefore reflected a less fully realized version of that boulevard concept. The Board would like to see a more substantial recognition of the east/west boulevard concept and a contribution to its fuller realization.
3. Therefore, based on the above findings, it is the Planning Board's Preliminary Determination that the Development Proposal should be approved with conditions so that the applicant is able to continue to move forward with providing additional information and modifying the building and site plans in ways that address the concerns listed in Item 5 below.

4. In making this Determination the Board is guided by the standards set forth in Section 12.35.3 of the Zoning Ordinance.

a. The project conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth for the specific PUD district in which the project is located;

13.74.2 - Parcel Size. The parcel size is 2.4 acres/**104,673** square feet and meets the minimum size of 100,000 square feet requirement. This lot was in existence as of June 1, 2001 and held in common ownership.

13.74.1 - The Floor Area Ratio. The FAR requested is 3.9 (exclusive of any GFA that may be authorized for construction of accessory parking in a structure located above grade). An all-residential project is permitted an FAR of 3.0 and the inclusionary housing bonus of .9 brings the FAR permitted to a total of **3.9**. (Section 13.74.12)

13.74.3 - Maximum Building Height. The maximum building height is 120 feet in this height band. The applicant is proposing to apply for a variance from the Board of Zoning Appeal at a future date for additional height if the Planning Board supports a design that locates the Gross Floor Area in a structure with some portion of the building height at **150** feet.

13.75 - Open Space. The open space provided is proposed to be **31,350** square feet, (7,000 SF private terraces, 11,500 Terrace Park, and 12,850 in a private park) and meets the 20% requirement of 20,938 SF as either Public, Green Area or Permeable Open Space.

13.76 - Parking and Loading Requirements. The minimum requirement will be met with one parking space per dwelling unit. There are 392 dwelling units proposed and **392** parking spaces proposed. There are 66 spaces existing, with a net increase in parking spaces of 326. There are no non-residential uses proposed for this development.

13.77 - Approval of Roadway Plan. Plan approval is a continuing process and will occur before the Final Development Plan is approved.

13.78 - Other Provisions:

13.78.1 - No signs have been proposed for the residential development at this time.

13.78.3 - Traffic Mitigation Measures. Residential proposals have generally lower of trip generation. This developer has committed to investigating ride share (for example Zip Car) access and promotion of public transportation use by

residents. Several of the conditions below relate to adjustments to access to the site.

13.79 - Development Flexibility Additional FAR and Height, specifically Section 13.79.2. Additional Gross Floor Area for above ground structured parking will continue to be discussed and analyzed during this review process and a final decision will be made before the Final Development Plan is approved by the Board.

b. The project conforms with the adopted policy plans or development guidelines for the portion of the city in which the PUD district is located or has the potential to be modified to so conform.

The *Eastern Cambridge Design Guidelines* (ECDG) were adopted in October 2001; specific sections of those *Guideline* address the objectives for North Point specifically. Those *Guidelines* for residential buildings of this scale indicate the importance of the animation of the ground floor through multiple entrances to the building, minimizing the impact of the height through setbacks and other architectural devices at lower heights (such as at the sixty-five foot level) and through the addition of architectural devices that identify the building as residential as opposed to office or some other non-residential use. All of these concerns are addressed in the discussion detailed below and will need to be addressed in a revised Final Development Plan.

This residential proposal is part of a quickly evolving mixed-use district with the need for strong pedestrian connections to other parts of the new North Point neighborhood, as well as to the existing residences in the converted buildings along and south of Monsignor O'Brien Highway. The façades should be designed to provide a better relationship to the Water Street edge and the new edges created to the north of the site along the proposed boulevard and south of the building where the elevated or embanked Green Line will be constructed.

Further potential modifications that would better address the ECDG are listed in Item 5 below.

c. The project has the potential to provide benefits to the city that outweigh its adverse effects; in making this determination the Planning Board shall consider the following:

** 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;*

** Traffic flow and safety;*

** Adequacy of utilities and other public works;*

** Impact on existing public facilities within the city;*

** Potential fiscal impacts.*

While the Planning Board cannot make this determination at this time, the applicant will continue to address the issues listed in Section 12.35.3(3) concerning the benefits versus the adverse effects of the project as the concerns and issues as listed below in Item 5 are used to guide future modifications of the proposal.

Traffic flow and safety and adequacy of utilities do not appear to preclude approval of the proposal. There do not appear to be any unreasonable or excessive impacts on public facilities and services.

5. To enable the applicant to determine the extent to which modifications to the Development Proposal should be considered and potentially made, the following enumeration of concerns, issues, and requests for additional information and analysis is provided and will provide the basis upon which the Final Development Plan will be judged.

Coordination of project with PB Special Permit #179

- The 22 Water Street project needs to be better coordinated with the larger North Point project, PB Special Permit #179 (Jones Lang LaSalle/ Pan Am Systems, Inc., developer), where, because of the advanced schedule for relocation of the Lechmere station, an extensive addition to the North Point roadway network and new buildings are being designed. It has been stated that the two developers are talking; however, it is unclear what the status is of those conversations. Several aspects of the approved master plan and roadway plan for that project interact with the 22 Water Street project in ways that may require modifications to one or both of the projects.
- The multi-use path that is to traverse the length of North Point does not work at the “pinch point” created by the proposed 22 Water Street entry pavilion at North and Water Streets. The width is insufficient for the many functions that need to take place in this space. The Board feels that the multi-use path is an extremely important aspect of the site planning for North Point as a whole and needs to be accommodated without compromise.
- The mass of the building at the point of main entry to the building for its residents blocks the flow of open space from the Central Park towards the northwest and the extension of the dual roadway boulevard system anticipated in #179. This sweep of space was meant to be a central amenity for the entire North Point district. The proposed tower, whether at 120 or at 150’, intrudes into the view corridor from the park and blocks any dual roadway opportunities. This building should not function as the visual end of the open space; for example, even the Brickbottom Building in Somerville should feel that it is a part of it. 22 Water Street needs to be set back to address this issue.
- The relation of the 22 Water Street site to sites A and B in the plan for PB Special Permit #179 is unresolved. Clearly, it would benefit both projects if this relationship were

articulated carefully, so that each project could proceed with an overall end result that would be coherent and respectful of the need to create a useful public realm.

Nature of the open space on the 22 Water Street site

- Overall, there was a sense that the open spaces need much more attention. Specific concerns were expressed about both the “Terrace Park” and the “Point Park.” It is also important to understand that the open space requirement is for Public, Green Area, or Permeable Open Space as defined in the Zoning Ordinance, which, aside from the Public Open Space, requires a minimum of three feet of soil.
- Terrace Park: The inaccessibility of this space makes it unlikely to be used by the public. The surface of the remainder of the roof above the parking structure is characterized on the drawings as a “colored gravel roof,” which would not seem to be very attractive to look down on from 22 Water Street or other neighboring buildings. The space is not going to receive very much sunlight, further reducing its appeal. Further exploration of options for this facility should be explored, including green roofs.
- Point Park: This seems like an afterthought. It is completely separate from the users of this building, and not in a location that will be of much use to others in the district. Distribution of that space at other location of the lot, where it will be more prominent and better serve the needs of residents of the building should be explored.

Pedestrian environment

- The design of the Water Street side of the development as initially proposed is not particularly appealing to pedestrians, with the wide curb cut, garage entry, and loading dock, as well as the change in grade up to the raised roof of the garage.
- To partially address this problem it would be better to locate the parking entry and loading facilities elsewhere on site, perhaps on the western portion of the lot via North Street.
- Where they would routinely be approachable by pedestrians, there is a concern about how it would feel to walk along the parking garage walls.

Parking

- The Board is willing to consider the above-grade parking configuration, given that the Green Line will run directly adjacent to the southerly property line; this will mean that the building needs to be buffered, and the parking garage mass is a reasonable way to achieve this function. On the other hand, the Board will continue to consider whether the impacts of the garage are being properly mitigated as the overall project design becomes more definitive.
- Tandem parking is problematic and needs to be limited in its extent.

Traffic

- While there was some concern expressed at the public hearing about the impact of the traffic generated by this project on the wider network of streets approaching the site and in the East Cambridge neighborhood, the Board in its approval of the North Point project (#179) was convinced that the substantial reconfiguration and refinement of Monsignor O'Brien Highway, First Street and its future extension, the Gilmore Bridge intersection, and the East Street and Water Street intersections will accommodate the increased volume of traffic generated by the North Point development and this project without detriment to the interests of the public traveling through the Lechmere Square system of roads.
- The required Traffic Study indicated that the traffic generated by this project alone does not trigger any failures of traffic impact indicators. Nevertheless, Water Street will play a crucial role serving not only as vehicular and pedestrian access to this project but also serving as access for busses going to the relocated T station and as a segment of the future Urban Ring. Existing housing and hotel uses at the end of the street at O'Brien Highway will be needlessly negatively impacted if the interrelationships between this site and its vehicle access needs are not well coordinated with abutting existing and future development, and if pedestrian movement through the area is not carefully considered in all design decisions.

Heights

- There was agreement that the proposed height to 150 feet requires the granting of a variance from the Board of Zoning Appeal. Many questions about the proposed height were raised. While some additional height for some portion of the building may be acceptable, the Board needs to see perspectives of the proposed height from critical vantage points, including residential East Cambridge and O'Brien Highway, among others. Some height over the allowable limit of 120 feet may be supported, but the Board would need convincing that this would not be detrimental to the district's scheme for regulating height or to the surrounding area.

Problems with architectural image

- Overall, the project should be judged against the Eastern Cambridge Design Guidelines. This initial design does not pay enough attention to them. While they are only guidelines and not requirements, they define the character and feel of the district that the City is intending to create in North Point. If a project is not in compliance with them, the alternate approaches proposed should be articulated and the case made as to how those alternate approaches advance the intent of the guidelines.
- As currently developed, the building displays a lack of "domesticity," in that the blocky design does little to convey a residential character to the outside observer.

- Lack of articulation in the design is problematic, with very extensive planes unbroken by any volumetric change. Consideration should be given to the use of balconies, bay windows, or other ways to break down the scale of this massive building; however, the techniques used should be consistent with the overall design image—balconies that are just stuck onto the building are not what is being sought.
- The guidelines call for a setback at the 65-foot height datum. No effort has been made to respect this guideline, which is intended to bring down to a more human scale the building's mass when viewed from the public street. The monolithic nature of this design suggests that the intent of the guidelines is all the more important in this case.
- Without a usable frontage along North Street/West Boulevard, the first floor units are accessed, for all practical purposes, only through the parking garage. Ground floor units, with articulated individual entries that have a real chance of being used by the inhabitants, are an important technique for giving life to the adjacent streets and breaking down the scale of a large building, so it appears as an appealing neighborhood presence on a residential street.
- An over-emphasis on the roof structure exacerbates sense of massiveness; up-lighting of the top of the building is also inadvisable if this makes it too dominant, or poses problems for neighbors. A better understanding of the lighting impact is needed.
- While there has been attention given to the top of the building, it is unfortunate that there appears to be a lack of screening of the mechanical equipment that rises above the roof. Studies need to be made to ensure there will be adequate visual and acoustic screening from key points.
- There is a need to clarify 22 Water Street's southern façade in relation to the new Green Line viaduct and embankment.


At a later Planning Board meeting of January 16, 2007, the proponent team gave an indication, in a very preliminary way, of some responses they had to the above concerns, and referred to two sketches that illustrate these ideas: see attached "Site Circulation Study" and "Perspective Study." While these are helpful, they are clearly very preliminary, and may need further modifications, as suggested below.

- The Board indicated that a particular concern is the nature of the North Street and other access ways, again in relation to PUD Special Permit #179. Significant reconfiguration that does a better job of continuing the boulevard treatment to the west would be important.
- In a related fashion, the Board is not convinced that the diagrammatic shifting of the easternmost block element of 22 Water Street will be sufficient; it may need to shift further to the south.

- The move of the garage entry and loading to the west is very much what the Board suggested. The associated landscaping and screening will need to be coordinated with the roadway redesign.
- The perspective study, which begins to introduce a 65' height marker, is responsive to the Board's earlier concern. Particularly on Water Street, the 65' block will potentially provide a much better relation between the street and the building. On the North Street side, the sketch is less clear—more significant use of the 65' height is needed here, with some regard for the future relationship to sites A and B of PUD Special Permit #179.
- The suggestion of at-grade open space along Water Street is a move in the right direction, though its design will require special thought as to how to mitigate noise, etc. in relation to the transit activities at site Q of PUD Special Permit #179 and along the rail viaduct.
- Even though the replacement of the "Terrace Park" with the "Open Space At Grade" is likely to be a good change, the garage roof that would remain still needs design attention. It would be useful to consider whether a "green roof" treatment might be effective here.
- The intent to go back to an earlier idea of having the taller blocks in combination with other blocks of lesser height, with only a few elements above the allowed height, is welcome. The Board has said that some height at 150' may receive their support at the Board of Zoning Appeal, but it is clear that the entire building at 150' is unacceptable.

Voting to GRANT the approval of the Development Proposal with Conditions were H. Russell, P. Winters, W. Tibbs, T. Anninger, S. Winter, and A. Finlayson, Associate Member appointed to act on this application.

For the Planning Board,

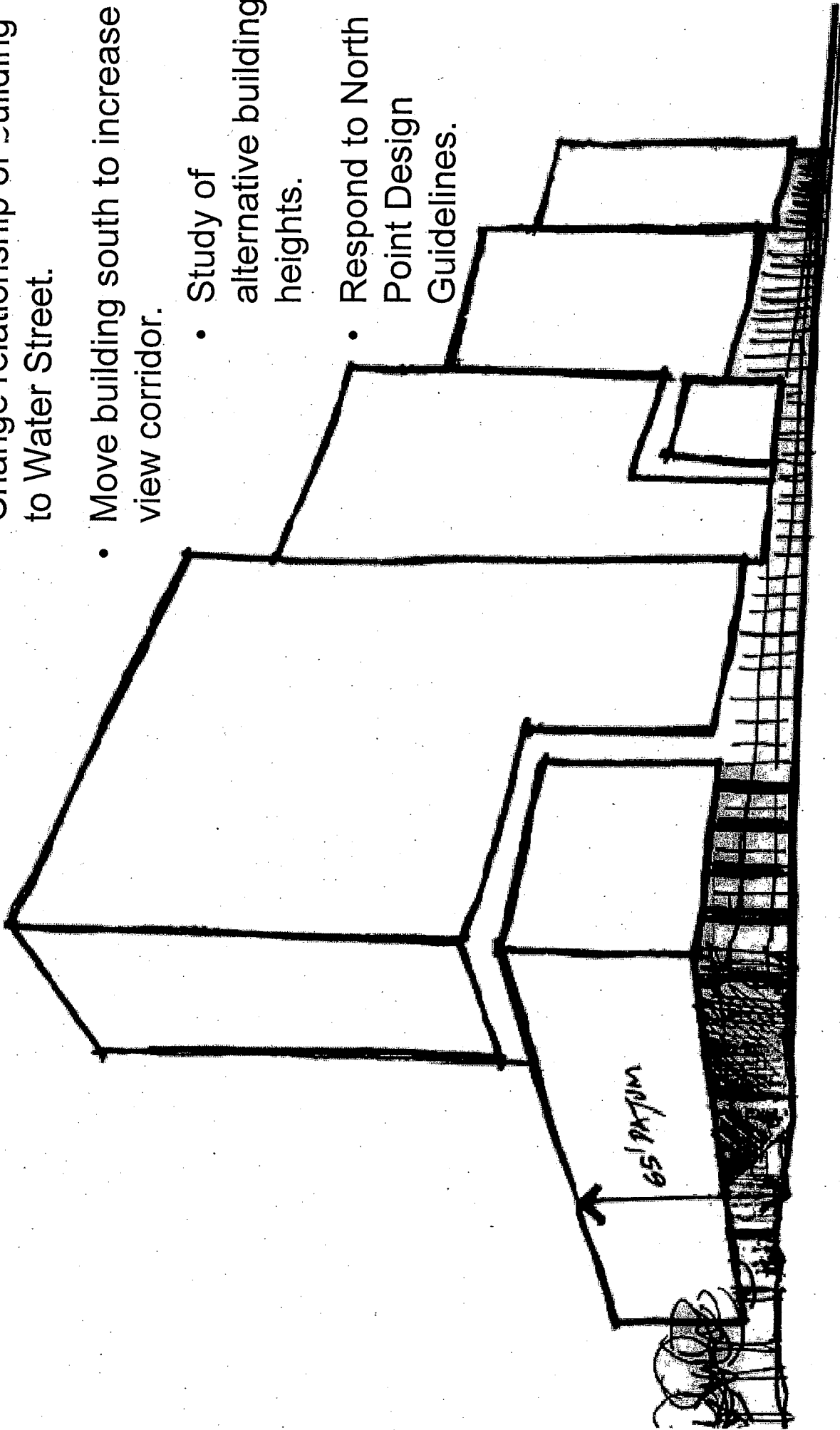

Hugh Russell, Vice Chair

- Change relationship of Building to Water Street.

- Move building south to increase view corridor.

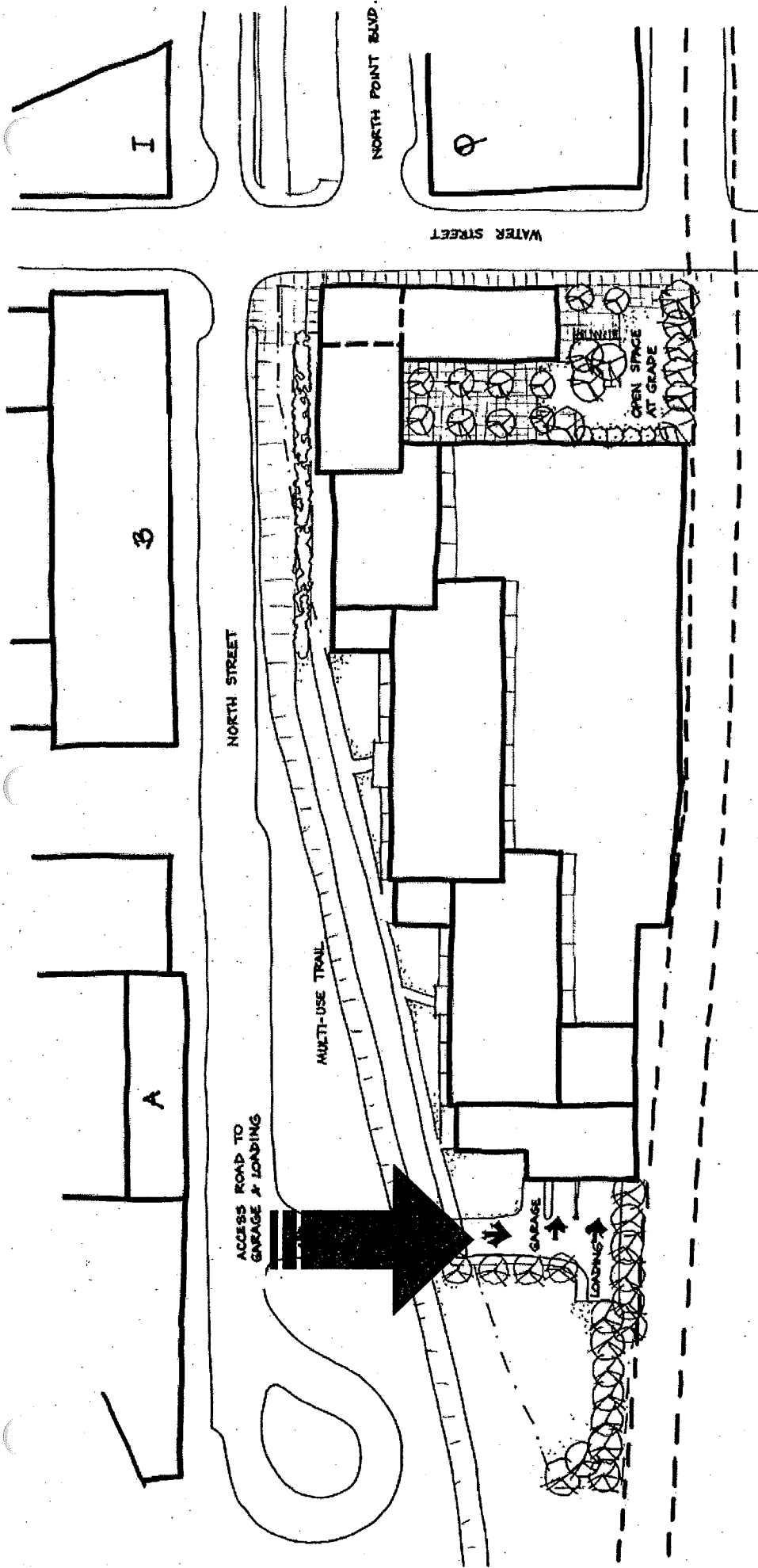
- Study of alternative building heights.

- Respond to North Point Design Guidelines.



PERSPECTIVE STUDY

1/16/07 18 Aucta



- Increased space for alignment of multi-use trail.
- Alternative garage & loading access.
- Coordination with North Point Master Plan (JLL).
- Elimination of curb cuts on Water Street.
- No vehicle queuing on Water Street.

SITE CIRCULATION STUDY

1/16/07 RB munter

#110



M C K I N N O N

C O M P A N Y

June 6, 2007

Barbara Shaw and
Cambridge Planning Board

Liza Paden and
CCDD Staff

Dear Barbara and Liza:

I think all of us will be well served if I give you an additional extension to the Board re: PB#122. Therefore, the time is extended until 5pm, June 13,2007. Thank you all.

Richard McKinnon
The McKinnon Company

THE MCKINNON COMPANY

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May 16, 2007

Beth Rubenstein
Cambridge Community Development Department
Cambridge, MA

2007 MAY 16 PM 3:58
CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT

Dear Beth,

I know you and your staff are working very hard to complete the Notice of Decision for 22 Water Street. Les and Liza have informed me that a second extension of time is required, which we are happy to grant.

Therefore, on behalf of Catamount Holdings LLC, I grant to the Cambridge Planning Board an extension of time on PB#222 until June 8, 2007.

Very Truly Yours

Richard McKinnon

Cc: Les Barber, Liza Paden, Roger Boothe, Chris Kaneb,
Steve Kaneb, Gregory Downes, Eric Hoffman(all Cc via email)

THE MCKINNON COMPANY

#16

March 5, 2007

Barbara Shaw, Chair
Cambridge Planning Board
Cambridge, MA

Dear Barbara and Members of the Board,

On behalf of Catamount Holdings, LLC, I want to grant the Planning Board an extension on Final Action of PB#222 from March 16, 2007 until May 16, 2007.

Very Truly Yours,


Richard McKinnon

President
McKinnon Company

Cc; Chris Kaneb
Steve Kaneb
Debbie Horwitz
Liza Paden