

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2008 NOV 10 A 11: 28
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case No: #235

Address: 112, 114-116 Mount Auburn and 15 Bennett Street

Zoning: Business B / Harvard Square Overlay and Harvard Square Historic Overlay District

Owner: Conductor's Building, LLC (with respect to 112 Mount Auburn Street and 15 Bennett Street) and Mount Auburn Management, LLC as Trustee of 114-116 Mount Auburn Realty Trust (with respect to 114-116 Mount Auburn Street)

Applicants: Conductor's Building, LLC and Mount Auburn Management, LLC as Trustee of 114 -116 Mount Auburn Realty Trust

Application Date: July 1, 2008

Public Hearing: August 19, 2008

Planning Board Decision: September 9, 2008

Date of Filing Decision: November 10, 2008

Application: Request for special permits for construction of a new seven-story office building with retail/restaurant uses pursuant to the following sections of the Cambridge Zoning Ordinance:

1. Section 19.20: Project Review Special Permit;
2. Section 19.30: Determination that the project is consistent with the urban design objectives of the City as set forth in § 19.30 of the Cambridge Zoning Ordinance;

3. Section 6.35.1: Special Permit to reduce required parking to zero (0) spaces, pursuant to the Planning Board's authority under § 10.45 of the Zoning Ordinance;
4. Section 20.54.2: Special Permit to increase the building height to eighty (80) feet, to extend portions of the building above sixty (60) feet in height into the required ten (10) foot setback area above that elevation, and to extend portions of the building above fifty-five (55) feet in height into the 45 degree sky exposure plane; and
5. Section 20.54.4: Special Permit for exemption from the requirement to provide an off-street loading space.

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.

DECISION

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height into the required ten (10) foot setback area above that elevation, and to extend portions of the building above fifty-five (55) feet in height into the 45 degree sky exposure plane; and

5. Section 20.54.4: Special Permit for exemption from the requirement to provide an off-street loading space.

APPLICATION DOCUMENTS

The application submitted by the Applicants on July 1, 2008, and certified complete, included, in addition to the required application fees, a complete Planning Board Special Permit Application, including a project description narrative, a narrative demonstrating compliance with all special permit criteria, including those in Sections 10.43, 19.20, 6.35.1, 20.54.2 and 20.54.4 of the Cambridge Zoning Ordinance, and a narrative description of the project's consistency with the City's urban design objectives and compliance with the general development guidelines for the Harvard Square Overlay District. The following documents and plans were also submitted with the special permit application on July 1, 2008:

1. Transportation Impact Study, prepared by Vanasse & Associates, Inc., dated June, 2008, and supplemental traffic letter from Scott W. Thornton, Vanasse & Associates, Inc. to Sue Clippinger, Department of Traffic, Parking and Transportation, dated June 26, 2008;
2. Tree Study, prepared by Paul Finger Associates, dated June 19, 2008;
3. Sewer Service Report, prepared by Brassard Design & Engineering, Inc., dated June 19, 2008;
4. Water Service Report, prepared by Brassard Design & Engineering, Inc., dated June 19, 2008;
5. Noise Mitigation Narrative, prepared by Acentech, Inc., dated June 5, 2008;
6. Cambridge Historical Commission Certificate of Appropriateness, dated May 13, 2008;
7. Plan Booklet dated June 30, 2008, prepared by Elkus Manfredi Architects, entitled "The Conductor's Building Restoration Project, 112-114-116 Mount Auburn Street," comprised of 37 sheets;
8. "SITE PLAN," drawn by Paul Finger Associates, stamped by Paul J. Finger, Registered Landscape Architect, drawing number L-01, dated June 19, 2008, revised June 30, 2008;
9. "TOPOGRAPHIC PLAN," drawn by R.E. Cameron & Associates, Inc., stamped by Scott D. Cameron, Professional Land Surveyor, drawing number TP-01, dated June 19, 2008, revised June 30, 2008;

10. "SITE UTILITY PLAN," drawn by Brassard Design Group, Inc., certified by Matthew T. Brassard, Registered Professional Engineer, drawing number C-01, dated June 18, 2008;

11. "SITE UTILITY DETAILS," drawn by Brassard Design Group, Inc., certified by Matthew T. Brassard, Registered Professional Engineer, drawing number C-02, dated June 18, 2008;

12. "SITE PLAN SIDEWALK EXTENSION," drawn by Paul Finger Associates, stamped by Paul J. Finger, Registered Landscape Architect, drawing number L-02," dated June 19, 2008, revised June 30, 2008;

13. Plan of the Metropolitan Transit Authority showing historic uses (revised 1957); plans of Boston Elevated Railway Co. showing the Conductor's Building (6 sheets dated 1912-1914); and plans of Massachusetts Bay Transportation Authority showing the MBTA Transformer Building (8 sheets dated 1980);

14. Letter and exhibits to Liza Paden from Robert Schlager certifying the posting of notice boards, dated July 24, 2008;

15. Documentation with regard to registration with the USGBC with a date of April 28, 2008; and

16. "112 Mount Auburn Street, the Conductor's Building, Cambridge, Massachusetts" by Ann Beha Architects, dated April 17, 2008.

OTHER DOCUMENTS SUBMITTED

1. The Harvard Square Advisory Committee Report for Case No. PB #235, designated "Conductor's Building Restoration Project," reporting a summary of findings of the Committee meeting on May 28, 2008;

2. Supplemental plan package entitled "The Conductor's Building Restoration Project, 112-114-116 Mount Auburn Street," prepared by Elkus Manfredi Architects, dated August 1, 2008;

3. Letter from Michael A. Cantalupa on behalf of Boston Properties, dated August 11, 2008;

4. Letter from Jonathan Poorvu on behalf of the Brattle Square Office Building Company and Brattle Square Associates, dated August 13, 2008;

5. Letter from John DiGiovanni on behalf of Trinity Property Management Inc., dated August 13, 2008;

6. Letter from Denise Jillson on behalf of the Harvard Square Business Association, dated August 13, 2008;

7. Letter from Peter Palandjian on behalf of Intercontinental Real Estate Corporation, dated August 14, 2008;
8. Letter from Robert A. Schlager as Trustee of 95. Mt. Auburn Realty Trust; dated August 18, 2008;
9. Letter (with attachment) from Lillian Greeley, resident, dated August 18, 2008;
10. Letter from Matthew Abusheery on behalf of CH&S Limited Partnership, dated August 18, 2008
11. Letter from Chris Mackin on behalf of Ownership Associates, Inc., dated August 19, 2008;
12. Letter from Robert Grinberg on behalf of Champagne Realty Trust, dated August 19, 2008;
13. Letter from Mahendra Patel on behalf of the Massachusetts Bay Transportation Authority, dated August 19, 2008;
14. Email from Richard Carbone on behalf of The Inn at Harvard and Harvard Square Hotel, dated August 19, 2008;
15. Letter from Joanne Killackey-Hogan on behalf of the United States Postal Service, dated August 19, 2008;
16. Email from Lemlem G. McCrary on behalf of Lemlem's Gallery, dated August 19, 2008;
17. Letter from Sheldon Cohen on behalf of Community Mapping, dated August 19, 2008;
18. Letter from Paul Overgaag on behalf of The Red House restaurant, dated August 19, 2008;
19. Letter from Robert A. Schlager on behalf of Mount Story Limited Partnership, undated.
20. Memo to the Planning Board from Susan Clippinger, dated August 13, 2008
21. Memo to the Planning Board from the Cambridge Bicycle Committee, dated August 15, 2008;
22. Memo to the Planning Board from Owen O'Riordan, City Engineer, dated August 15, 2008
23. Photos (2) identified as "Mt. Auburn Street Context" and "Cross Section" of the proposed building, prepared by The Cecil Group, undated;
24. Letter (with attachments) to Lester Barber from Bernard Chiu, dated August 29, 2008;
25. Memo to the Cambridge Planning Board from Susan Clippinger, dated September 8, 2008; and
26. "Survey of Loading Waivers, Harvard Square Overlay Districts, undated, distributed to the Board by CDD on September 9, 2008.

FINDINGS

Based on the application documents submitted, testimony taken at the public hearing, staff comments and discussions of the application undertaken by the Planning Board, the Planning Board finds that the proposed project and requested relief are consistent with the intent of the Cambridge Zoning Ordinance generally, the objectives of the Harvard Square Overlay District, the general criteria for the issuance of all special permits and the specific requirements applicable to the requested special permits, all as more particularly set forth below. The Planning Board concludes that the proposed project height and massing are appropriate to the specific urban context, and respond well to the unique site development constraints and challenges.

I. Compliance with General Special Permit Criteria under Section 10.43

Section 10.43 of the Cambridge Zoning Ordinance provides that special permits will normally be granted where specific provisions of the Zoning Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because: (a) it appears that the requirements of the Zoning Ordinance cannot or will not be met; (b) traffic generated or patterns of access or egress would cause congestion, hazard or substantial change in established neighborhood character; (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use; (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; (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of the Zoning Ordinance; or (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30 of the Zoning Ordinance. As set forth below, the Planning Board finds that there are no particulars of the project site or proposed building or use, not generally true of the district or of the uses permitted in it, that would cause granting of the requested special permits to be detrimental to the public interest. The Planning Board finds that the proposed project will not cause any conditions that are detrimental to the neighborhood but instead will substantially improve upon existing conditions at the site.

a. The requirements of the Zoning Ordinance can be met

The proposed uses (i.e., offices and potentially retail and restaurant uses) are permitted as a matter of right in the Business B zoning district and the Harvard Square Overlay District. With the benefit of the special permit zoning relief granted by this Decision, the proposed project satisfies the applicable dimensional requirements of the Business B zoning district and the Harvard Square Overlay and Harvard Square Historic Overlay Districts.

b. Traffic generated or patterns of access and egress will not cause congestion, hazard or substantial change in established neighborhood character

Vehicular and pedestrian access and egress associated with the project will not change the neighborhood character. Recognizing that, in general, Harvard Square, with its extensive public

transit access, is a good location in which to emphasize non-automobile modes of travel, the project will not include the development of any parking spaces. Occupants of the new office building are expected to rely principally on public transportation, including the nearby Harvard Square MBTA Red Line station and numerous bus stops. Many of the patrons of any included retail/restaurant uses will be people who live or work in the Harvard Square area, or who have come to the area to visit multiple locations, including the project site, i.e. who will not be generating additional vehicle trips. Visitors or occupants who choose to drive to the project are expected to use nearby commercial parking spaces. Spaces for bicycles also will be provided on the project site. Because no new parking spaces will be created, a Parking and Transportation Demand Management Plan is not required for this project. *See* Cambridge General Ordinances, Section 10.18.

c. The continued operation of or development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by the nature of the proposed use

The proposed building has been designed to harmonize with existing buildings in the neighborhood. An arcade is proposed along the western side of the ground floor that will serve as a dimensional buffer to a portion of the adjacent Craigie Arms building and as an access point for the office building occupants. Screening and ornamental fencing are proposed to provide the adjacent Craigie Arms building with a semi-private space within its courtyard. Street trees will be chosen to enhance the pedestrian experience along Bennett and Mount Auburn Streets. Sidewalk paving materials will be compatible with recommendations of the Harvard Square Design Standards. The proposed street level improvements, including the addition of on-site landscaping and off-site sidewalk and crosswalk improvements will enhance the operation of adjacent uses by making the area more attractive.

d. No nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of Cambridge

No nuisance or hazard will be created by the proposed project. The new building has been designed to conform to all applicable health, building and safety requirements of the City of Cambridge and the Commonwealth of Massachusetts. The use of the building for office and retail/restaurant uses conforms to the uses permitted as-of-right by the Zoning Ordinance for the applicable base and overlay zoning districts.

e. The use will not impair the integrity of the applicable zoning districts or adjoining districts or otherwise derogate from the intent and purpose of the Zoning Ordinance

The proposed building's design and uses will not impair the integrity of the applicable zoning districts or otherwise derogate from the intent and purpose of the Zoning Ordinance. The building's architecture will complement that of neighboring buildings and extend the pedestrian friendly environment of Mount Auburn Street. As discussed further in Section VI of these findings, the building has been designed with the Harvard Square Development Guidelines in mind. As noted above, all of the uses are allowed by right in the applicable zoning districts.

f. The new use and building construction is consistent with the Urban Design Objectives set forth in Section 19.30 of the Zoning Ordinance

As detailed below in Section IV of these findings, the proposed project, including the building design and use, are consistent with the Urban Design Objectives set forth in Section 19.30 of the Zoning Ordinance.

II. Compliance with Additional Criteria for Special Permit for Increase in Building Height and Relief from Associated Setback Requirements under Section 20.54.2

In accordance with Section 20.54.2 of the Zoning Ordinance, the Planning Board has determined that it is appropriate to grant a special permit to allow the building to extend to eighty (80) feet in height. As part of this special permit, the Planning Board also has found that it is appropriate for: (i) portions of the building above sixty (60) feet in height to extend into the ten (10) foot setback area above that elevation; and (ii) portions of the building above fifty-five (55) feet in height to extend into the 45 degree sky exposure plane.

In granting this relief, the Planning Board took into consideration the following design aspects of the proposed building. Along Bennett Street, the proposed building will have an overall height limit of eighty (80) feet, which is shorter than the Charles Hotel immediately across Bennett Street to the southwest and the same height as the office buildings on University Road. On Mount Auburn Street, the street wall is proposed to the top of the fifth floor, with an eight (8) inch setback of the sixth floor and a larger setback of the seventh floor and penthouse. The seventh floor is proposed to be set back from Mount Auburn Street by 16 feet 8 inches to lower the street wall height at the sidewalk to 69 feet, to be compatible with the building at 117-119 Mount Auburn Street which is 70 feet tall and directly across Mount Auburn Street. The sky exposure planes along Mount Auburn and Bennett Streets will be penetrated by portions of the building. With a street wall height along the Mount Auburn Street sidewalk at approximately sixty-nine (69) feet in height, and an overall height of eighty (80) feet, the proposed building approximates heights of other nearby buildings such as University Place at 124 Mount Auburn Street and the buildings at One Brattle Street and 104-106 Mount Auburn Street. The additional height is appropriate because of the reduced building footprint required to keep the existing MBTA busway at the project site open, to preserve and restore the Conductor's Building (a contributing building in the Harvard Square National Register District and in the Harvard Square Historic Overlay District and in the Harvard Square Conservation District), and to construct habitable floors over the transformer building that must be retained. While the sky exposure plane is not honored in its specific requirements, the design of the building does honor the objective of the provision, with the top floor of the building set well back from the front façade of the lower floors of the building as it fronts on Mount Auburn Street.

III. Compliance with Additional Criteria for a Special Permit for a Reduction of Minimum Parking Requirements under Section 6.35.1 and Compliance with Additional Criteria for a Special Permit for Exemption from Parking and Loading Requirements under § 20.54.4

In accordance with § 10.45 of the Zoning Ordinance, the Planning Board has authority to grant a special permit authorized by § 6.35.1 of the Zoning Ordinance because of its other special permit granting authority over this project.

Pursuant to § 6.35.1 of the Zoning Ordinance, the Planning Board has determined that reducing the minimum number of required parking spaces for the project will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood. In reaching this determination, the Planning Board considered whether or not less off-street parking is reasonable in light of the considerations outlined in § 6.35.1. The Planning Board considered the fact that the project is well situated in close proximity to the Harvard Square MBTA Red Line Station as well as other public transit alternatives, and is likewise in close proximity to several commercial parking facilities where parking spaces are available for use by visitors and occupants who choose to use private vehicular access to the project. There is also an ample supply of car sharing vehicles available in the area for those who seek access to vehicles during the workday.

Notwithstanding the Planning Board's decision to reduce the required off-street parking, bicycle storage spaces will be provided at the project site in a quantity based on the number of parking spaces that would have been required for the building but for the special permit issued by the Planning Board, as required by the Zoning Ordinance.

The Project also meets the criteria of Section 20.54.4 of the Zoning Ordinance exempting a project from off-street parking and loading requirements. The Planning Board finds that the criteria from Section 20.54.4 of the Zoning Ordinance are satisfied, as set forth below, with respect to the proposed project, subject to the Applicant's required payment to the Harvard Square Improvement Fund as provided in Conditions 7 and 9 below.

(a) The total development authorized on the site is either reduced to eighty (80) percent of the maximum permitted on the lot or a cash contribution is made to the Harvard Square Improvement Fund in an amount equal to fifty (50) percent of the cost of construction of the spaces not provided.

The project is at 100% of the development permitted on the site. Assuming, based on the range of retail and other uses proposed within the Project, that the payment under Section 20.54.4(2) would relate to no more than 78 parking spaces, then that payment would be calculated as follows: \$21,128 multiplied by 78 = \$1,584,600 multiplied by 50% = \$823,992. The Conductor's Building, a highly rated historic structure in the Harvard Square National Register District will be rehabilitated by the Applicant and significant street improvements will be made

by the Applicant at a cost totaling not less than \$823,992 thus meeting or exceeding the \$832,992 contribution that is required by Section 20.54.4 for parking spaces exempted under the Section.

(b) The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective is met);

The project includes the combination of three small lots (i.e., 112 Mount Auburn Street, 114-116 Mount Auburn Street and 15 Bennett Street) with an aggregate area of only 20,800 square feet. The Conductor's Building, an existing, historic small scale structure, will be retained, thereby making the portion of the project site on which it is located unavailable for development. The busway must be left open for use by the MBTA buses. Across the busway, which covers approximately one-third of the surface area of the project site, the existing MBTA transformer building will be retained, although largely hidden within a new building to create a more attractive streetscape along Bennett Street, thus making more of the project site ground area unavailable for development. The retention of these two existing structures and the busway results in a development configuration that results in buildings of diverse scale and character that, contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures.

(3) The exemption will result in a building design that is more appropriate to its location and the fabric of its neighborhood and that is in conformance with the objectives and criteria contained in the Harvard Square Development Guidelines;

As discussed in Section V of these findings, the new building will conform to the objectives and criteria of the Harvard Square Development Guidelines. Inclusion of parking and loading facilities to serve the project would seriously compromise the visual and functional benefits of this new building and the restored Conductor's Building and would hamper the urban and the pedestrian circulation environment in this location.

The total gross floor area on the combined lot after construction of the project will increase by approximately 67,976 square feet, which otherwise would require one loading bay. The proposed office and potential retail uses and MBTA comfort station are not expected to require significant loading after the initial move in. From a functional perspective, it is not anticipated that the single required loading bay for a building of the proposed size and use would serve a meaningful purpose.

The very limited loading needs of the Project will be met from available loading areas on Bennett Street and/or Mount Auburn Street to be established in consultation with Cambridge Traffic, Parking, and Transportation Department. Building refuse will be stored interior to the building and will be picked up by a private contractor using wheeled bins for conveyance.

(d) 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; and (5) no National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five years preceding the application.

The Cambridge Historic Commission has determined that the building at 114-116 Mount Auburn Street, which will be demolished prior to construction of the proposed new building, is not preferably preserved, and thus does not constitute a contributing building as defined by § 20.53.3 of the Zoning Ordinance. No National Register or contributing building at the project site has been demolished, or altered so as to terminate or preclude its designation as such, within the five years preceding the submission of the application on July 1, 2008. A very significant building will be restored for its intended use well into the future.

IV. Compliance with Project Review Special Permit Criteria under Section 19.20

As part of their July 1, 2008 application to the Planning Board, the Applicants provided all of the information and material required by Section 19.24 of the Zoning Ordinance for a Project Review Special Permit. In granting a Project Review Special Permit, the Planning Board is required by Section 19.20 of the Zoning Ordinance to find that new construction does not impose substantial adverse impacts on City traffic and is consistent with the City's urban design objectives. In accordance with Section 19.30 of the Zoning Ordinance, in determining that a proposed project is consistent with the City's urban design objectives the Planning Board need only find that on balance the objectives of the City are being served. As outlined below, the Planning Board finds that the proposed project does not impose substantial adverse impacts on City traffic and is consistent with the City urban design objectives in Section 19.30 of the Zoning Ordinance.

a. Traffic Impact Findings

The Planning Board finds that the proposed project will not impose substantial adverse impacts on City traffic. As noted in correspondence to the Planning Board from the Cambridge Traffic, Parking and Transportation ("TP&T") Department, the Transportation Impact Study for the project, prepared by Vanasse & Associates, Inc., indicates that the project will exceed only four of the eighty-five (85) traffic impact indicators set forth in Section 19.25.11 of the Zoning Ordinance, which could be indicative of a potentially substantial adverse impact on City traffic. However, the Planning Board finds that the mitigation efforts proposed by the Applicants and the TP&T Department will reduce any potential negative adverse traffic impacts and that the project will not, therefore, impose substantial adverse impacts on City traffic.

b. Consistency with the City Urban Design Objectives in Section 19.30

The Planning Board finds that, on balance, the proposed project is consistent with the urban design objectives set forth in Section 19.30 and as broadly enumerated below. In reaching this determination, the Planning Board also has taken into consideration the Harvard Square Development Guidelines, which are discussed in Section V of these findings.

1. The project is responsive to the existing or anticipated pattern of development in the area, e.g., the Harvard Square Area

The project fits well within the context of nearby building heights and existing street walls. The Planning Board has approved a special permit to allow an overall height limit of eighty (80) feet,

which is shorter than the Charles Hotel immediately to the southwest and the same height as the office buildings on University Road. The sixth floor of the new building will be set back from Mount Auburn Street by eight (8) inches and the seventh floor will be set back from Mount Auburn Street by 16 feet 8 inches to lower the street wall height at the sidewalk to 69 feet, to be compatible with the building directly across Mount Auburn Street, which is 70 feet tall.

The building is designed and oriented on the lot so as to be consistent with the Mount Auburn Street streetscape. The building also will soften the appearance of the existing MBTA transformer building along Bennett Street.

The historic Conductor's Building, which is located on the parcel known as 112 Mount Auburn Street, is being restored to be adaptively re-used as part of this project, an objective of the Overlay District and the Conservation District applicable to this site. The design of the project reflects in significant part the need to preserve into the future the active functions of the MBTA transportation system and to make the preservation of the Conductor's Building viable over the long term by retaining its visibility across the busway. The retention of the open busway, while necessary for operational purposes, has the advantage breaking up the building facades along Mount Auburn Street.

2. The project is pedestrian and bicycle-friendly, with a positive relationship to its surroundings

As presently planned, the ground floor of the new building along Mount Auburn Street will be enlivened with actively-inhabited retail/restaurant storefronts and entrances that feature abundant vision glass for visual connectivity to the street. The office lobby for the upper floors will be accessed via an arcade connecting to Mount Auburn Street, to encourage pedestrian activity on the sidewalk. The existing, unsightly MBTA transformer building's façade will be subsumed within the new building and pedestrian-friendly materials will enhance the Bennett Street façade. With the exception of the existing MBTA transformer portions, the ground floor of the proposed building will be highly transparent, as will be the upper floors. Bicycle storage will be provided on-site in a visible area that promotes usage and affords security.

3. The building and site design mitigate adverse environmental impacts of the project upon its neighbors

Rooftop mechanical spaces will be clad in high quality materials to harmonize with the architectural expression of the building while providing visual screening and acoustic attenuation. Rooftop appurtenances will be set back from the facades to minimize visibility from city streets and will be suitably organized about the roofscape to diminish their visual impact and minimize off-site shadows.

A report prepared by Acentech Incorporated, dated June 5, 2008, details how the project will comply with the requirements of the Cambridge Noise Ordinance and includes a discussion of approaches that may be adopted by the Applicants to minimize the impact of noise from the project on its neighbors.

Trash will be stored interior to the building. The very limited loading needs of the project can be accommodated from loading areas on Bennett Street and/or Mount Auburn Street to be established in consultation with Cambridge Traffic, Parking, and Transportation Department.

As indicated in the shadow studies included in the Plan Booklet, dated June 30, 2008, that was included with the application filed on July 1, 2008, and updated by the applicant by the Applicants on August 1, 2008, the building will have some shadow impacts on neighboring lots and will not have a significant impact on the use or enjoyment of any adjacent public open spaces. Increasing the sky plane setbacks along Mount Auburn Street would have minimal effect on off-site shadow impacts and would detract from the project architecture.

New street trees will be planted along Mount Auburn and Bennett Streets in accordance with City of Cambridge approvals.

4. The project will not overburden the City infrastructure services, including neighborhood roads, city water supply system and sewer system

The June 2008 Traffic Study prepared by Vanasse & Associates, Inc., together with the June 26, 2008 supplemental traffic letter from Vanasse & Associates, Inc., the June 19, 2008 Sewer Service Report and the June 19, 2008 Water Service Report, prepared for the Applicants and summarizing comments from appropriate City departments, all indicate that the project will not overburden the City's infrastructure services.

In addition, in accordance with § 19.34(3) of the Zoning Ordinance, the Applicants indicate that the project will achieve many of the sustainable strategies that are acknowledged by the United States Green Building Council's LEED certification program as minimizing a building's impact on the environment. The Applicants anticipate that the new building will be eligible for at least LEED Silver certification.

5. The project reinforces and enhances the complex urban aspects of Cambridge as it has developed historically

The mixed use program for the new building is planned to include ground floor retail or restaurant uses to activate the street and serve as an amenity for nearby office uses and area residents. The project further enhances the public realm by reinvigorating an underutilized site that is well served by public transportation services.

As discussed in Section V of these findings, the project also complies with the general development guidelines for the Harvard Square Overlay District and thus reinforces and enhances the historic development of this area of Cambridge. In addition, the project will renovate and preserve the historic Conductor's Building, which has been unoccupied and unused for decades, has become an eyesore and has fallen into a state of disrepair.

By restoring the Conductor's Building, potentially creating ground floor retail or restaurant uses, and locating office uses in an area well served by public transportation, the project reinforces and enhances the complex urban aspects of Cambridge as it has developed historically.

The proposed building's architecture respects and draws from elements of the Harvard Square design idiom.

6. Expansion of the inventory of housing in the City is encouraged

The project does not include a residential component.

7. Enhancement and expansion of open space amenities in the City should be incorporated into new development in the City

The project neither includes the creation of open space nor involves the loss of open space; it is the redevelopment of a fully-developed site. However, the project does preserve an open area above the existing MBTA busway that will allow views through the site to adjacent buildings, will allow a fuller view of the Conductor's Building and will minimize the mass of building construction along Mount Auburn Street.

V. Compliance with the General Development Guidelines for the Harvard Square Overlay District and Harvard Square Historic Overlay District

The proposed project is in compliance with the general purposes of the Harvard Square Overlay District and Harvard Square Historic Overlay District, as enumerated in Section 20.52 of the Zoning Ordinance. In reaching this finding and in deciding to grant the special permits requested by the Applicants, the Planning Board has considered and been guided by objectives from the Harvard Square Development Guidelines, including but not limited to the following, which are intended to provide general guidance for development in the Harvard Square area.

a. Retention and upgrading of much of the Square's existing inventory of old buildings

The Conductor's Building at 112 Mount Auburn Street, which will be restored, is historically significant to the area, but has been unoccupied for decades, has become an eyesore and has fallen into a state of disrepair. The MBTA transformer building, which detracts from the area in its current condition, will be masked by the project. The building at 114-116 Mount Auburn Street that will be demolished as a prerequisite to developing the new building is an old building that in other circumstances might well be worth preserving. However, the Cambridge Historical Commission has found that the "integrity of the building at 114-116 Mount Auburn Street is so compromised by the retail alterations of the twentieth century that the building is not considered significant and currently contributes negatively to the district, and that its demolition will not adversely impact the District." The proposed new building will significantly upgrade the appearance, accessibility and pedestrian amenities of the project site. The Cambridge Historical Commission issued a Certificate of Appropriateness for the project on May 13, 2008.

b. Respect for the diversity of building form and scale: encourage green yards and courtyards and small, free-standing buildings where that character prevails; streetwall buildings where that character has been set

The proposed building will reinforce the continuity of the Mount Auburn Street wall plane by aligning its façade with the adjacent buildings. The sidewalk width will be maintained and extended across the site to enhance the pedestrian experience. Overall, the project will include the historic small-scale, two-story restored Conductor's Building and the proposed new building, providing a diversity of building form and scale on the same lot. While the abutting residences and courtyard at Craigie Arms will have some increases in shadow, the proposed through walkway along the courtyard is expected to be a positive addition to both that courtyard and the streetscape. The existing busway will not be built upon and thus will provide a useful break in the wall of buildings in the vicinity.

c. Expansion of the high quality public environment now established in the heart of the Square with a consistent palette of materials and street furniture

The exterior material palette of the proposed building is derived from the context of Harvard Square. The building envelope will be composed of Harvard water-struck brick, a continuous granite base at the sidewalk, cast stone window surrounds with white aluminum frames and sheet metal copper siding with a pattern of standing and flat soldered seams at the 7th floor. This patina copper will be replicated and projected on bays overlooking the MBTA busway that traverses the project site. Cast stone or GFRC belt courses and cornice will reinforce the horizontal composition of the building providing for a base, middle and top. A mahogany wood finish is proposed for the store fronts along Mount Auburn Street.

d. Expansion of the network of pedestrian walkways and paths wherever they could conveniently provide alternate routes through the District

The pedestrian walkways along Mount Auburn Street and Bennett Street will be improved. If the owners and occupants of the Craigie Arms complex support the concept, the Applicants will construct and landscape a mid-block pedestrian walkway located at the rear of Craigie Arms, along the western side of the proposed building, which the Board finds would make a positive contribution to the network of pedestrian pathways in the portion of Harvard Square.

e. Expansion of residential living in the Square where possible. Maintenance of a wide diversity of uses serving neighborhood needs, as well as the academic community and the larger region

The proposed development of a modernized and expanded building will allow the facility to better serve neighborhood needs. The creation of new office space and planned ground floor retail/restaurant use will enhance employment opportunities for residents of the surrounding area. Residential uses, which exist on a number of nearby lots, will not be introduced at this site.

f. Encouragement of creative solutions to the Square's parking problems

The proposed building proposes to rely on the nearby supply of commercial parking spaces to meet the limited parking demand expected to be created by those who choose to rely on private vehicular access to the project. Most visitors to the building are expected to use public transportation, including the nearby Harvard Square MBTA Red Line station and numerous bus stops.

DECISION

Based on its review of the application documents, comments made at the public hearing and on the above findings, the Planning Board GRANTS the requested relief (Section 19.20 Project Review Special Permit, Section 19.30 determination of project consistency with City urban design objectives, Section 6.35.1 and Section 20.54.4 special permits for reduction of required parking to zero (0) spaces and exemption from the requirement to provide an off-street loading space, Section 20.54.2 special permit to increase the building height to eighty (80) feet and to extend portions of the building above sixty (60) feet in height into the required ten (10) foot setback area above that elevation, and to extend portions of the building above fifty-five (55) feet in height into the 45 degree sky exposure plane) subject to the following conditions and limitations. For purposes of this Decision, the Permittee shall mean the Applicants and any successors in interest as owners of the project site or any portion thereof.

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 and last revised on August 1, 2008, except as they may be modified by these conditions and limitations. 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.

3. The range of uses permitted shall be as described in the application documents. It is the Planning Board's preference that retail uses (Section 4.35), accessible to the general public, be established on the ground floor of the new building and in a large portion of the ground floor of the restored Conductor's Building. Prior to any application for a Certificate of Occupancy for non-retail uses at these locations, the Permittee shall submit a report to the Planning Board describing efforts made to secure retail tenants for the space and efforts that will be undertaken in the future to secure those desirable uses.

4. *Mid-Block Pedestrian Way.* Subject to obtaining the necessary easements and agreements from the owners, ground lessees, and tenants of the adjacent Craigie Arms property, the Applicants shall construct the pedestrian way substantially as shown in the Plan Booklet dated August 1, 2008, Sheet 13.

5. *Mid-Block Pedestrian Crosswalk.* The Permittee shall continue to explore with Cambridge Traffic, Parking and Transportation Department whether construction of a mid-block pedestrian crosswalk adjacent to the project site along Bennett Street as well as along Mount Auburn Street is necessary or desirable, and shall construct the same if approved by Cambridge Traffic, Parking and Transportation Department.

6. Subject to issuance of the required City approvals, the Permittee shall implement the traffic improvements described in the Memorandum to the Planning Board from Susan Clippinger, Director, Cambridge Traffic, Parking and Transportation Department, dated August 13, 2008.

7. *Payment to Harvard Square Improvement Fund.* Subject to Condition 9 below, in fulfillment of the requirements of Sections 20.54.4 of the Zoning Ordinance, the Permittee is required to make a payment to the Harvard Square Improvement Fund. The Project shall not be providing 78 of the required parking spaces. A payment to the Harvard Square Improvement Fund is therefore required in the amount of \$823,992 [$\$21,128 \times 78$ waived parking spaces $\times 50\%$ *]. The Conductor's Building, a highly rated historic structure in the Harvard Square National Register District will be rehabilitated by the Permittee and significant street improvements will be made by the Permittee at a cost totaling not less than \$823,992, thus meeting or exceeding the \$823,992 contribution that is required by Section 20.54.4 for parking spaces exempted under the Section, thereby satisfying the requirement to make a payment to the Harvard Square Improvement Fund under Section 20.54.4 of the Zoning Ordinance.

*Per formula developed by the Planning Board in Case #96, Major Amendment #1, March 1992: the median cost of constructing a parking space in an underground parking facility, which cost is adjusted for the Boston Metropolitan Area, as determined by the most recently published edition of "Means Square Foot Costs: Residential, Commercial, Industrial, Institutional"; R. S. Means Company, Inc. A space is assumed to be 400 square feet in area. [The Twenty-first Annual Edition sets the median cost per square foot at \$45.15 plus a Boston metropolitan area adjustment of 1.17 for a total of \$52.82 per foot.]

8. The development is subject to the Incentive Zoning provisions of Section 11.200 of the Ordinance. The incentive zoning payment, required in Section 11.200, shall be made prior to the issuance of the first occupancy permit for the project. The payment shall be \$284,165.84 [$67,976$ square feet of new eligible construction – $2,500$ square feet of exempt space = $65,471$ square feet of space subject to the provisions of Section 11.203.1 (a). $65,471$ square feet \times $\$4.34$ fee (fee adjusted for inflation through 2007 = $\$284,165.84$)]

9. *Project Phasing.* The narrow, elongated, floor plate of the Conductor's Building, and its orientation in immediate proximity to the MBTA busway, impose peculiar challenges for tenanting that space. In addition, the Applicants need to coordinate with both the City and MBTA regarding the removal, during construction, and re-installation, after construction, of the MBTA catenary system over the busway. These logistical constraints require development of the project in phases, with the restoration of the Conductor's Building following completion of the new building. Nonetheless, restoration of the Conductor's Building is an important benefit to the Harvard Square Overlay District and an important reason why the Planning Board has

granted the requested relief. Accordingly, within two years following issuance of any certificate of occupancy for the new building (or such additional period of time as may be approved by the Planning Board), even if a tenant or tenants have not been secured for the Conductor's Building and therefore tenant improvements are delayed, restoration of the roof, windows, doors, and exterior of the Conductor's Building shall be completed, and the interior of the building shall be cleaned and protected against further exposure to the elements, all in substantial conformance with the plans submitted to the Planning Board and last revised on August 1, 2008.

10. 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 permit relief requested were H. Russell, T. Anninger, P. Winters, W. Tibbs, S. Winter, P. Singer, and C. Studen, Associate appointed by the Chair to act on the case, constituting at least two thirds of the members of the Planning Board necessary to grant a special permit.

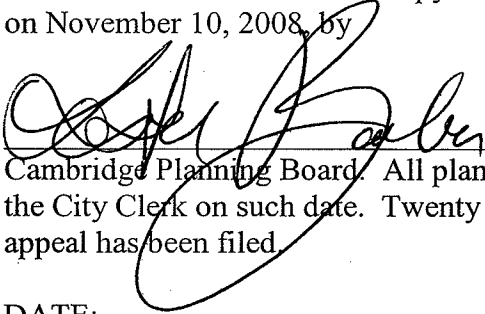
For the Planning Board,



William Tibbs, Chair

A copy of this decision #235 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 November 10, 2008, by



Lester Barber, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date. Twenty (20) days have elapsed since the filing of the decision. No appeal has been filed.

DATE:
City Clerk
City of Cambridge

Appendix I – Dimensional Form

Special Permit #235

Address: 112-116 Mount Auburn Street

	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Total FAR				
Non-Residential	4.0	1.57	4.0	4.0
Total GFA in Sq. Ft.	83,200 sf non-res.	32,695 sf	83,200 sf	83,200 sf
Max. Height	60/80 ft	65 ft	80' plus penthouse	80' plus penthouse
Lot Size	No minimum	20,800 sf	20,800 sf	20,800 sf
Min. Lot Width	No Minimum	130 ft	130 ft	130 ft
Min. Yard Setbacks	No Minimums	0	0	0
Total % Open Space	No Minimum	0	0	0
Off Street Parking	78	0	0	0
Bicycle Spaces	0	0	8	8
Loading Bays	1	0	0	0