

CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS  
2010 JUL - 8 P 2:23

## NOTICE OF DECISION FOR PLANNED UNIT DEVELOPMENT

Case Number:	247
Address:	22 Water Street
Zoning:	North Point / PUD-6 District
Owner/Applicant:	Catamount Holdings, LLC Six Kimball Lane Lynnfield, MA 01940
Application Date:	February 17, 2010
Date of First Public Hearing:	March 16, 2010
Date of Preliminary Determination:	March 16, 2010
Date of Second Public Hearing:	June 15, 2010
Date of Final Decision:	June 15, 2010
Date of Filing Planning Board Decision:	July 8, 2010

Application: Planned Unit Development Special Permit (Section 13.70) and Project Review Special Permit (Section 19.20) for 392 units of multifamily housing plus a Special Permit for Reduction of Required Parking (Section 6.35.1). This application includes a request that the project be found eligible for Additional Gross Floor Area for Above Ground Structured Parking (Section 13.79.2).

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 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 Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Jeffrey C. Roberts *JCR 7/8/2010*

For further information concerning this decision, please contact Liza Paden at 617 349 4647, or [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).

## **DOCUMENTS SUBMITTED**

1. Special Permit Development Proposal application submitted by the Applicant, dated February 17, 2010, Volumes 1 and 2.
2. Letter to the Planning Board from Susan Clippinger, Director of Traffic, Parking and Transportation, dated 3/16/10.
3. Notice of Preliminary Determination, filed 4/7/10.
4. Special Permit Development Final Development Plan and Project Review application submitted by the Applicant, dated 6/1/10, Volumes 1 and 2.
5. Letter to Steven Lush, Cambridge Water Department, from Brian Lawlor, Symmes, Maini & McKee Associates (on behalf of the Applicant), dated 6/7/10 with Proposed Water Main Routing Option 1 and Option 2, dated 6/3/10.
6. Letter to the Planning Board from Scott Thornton, Vanasse & Associates, Inc., dated 6/7/10.
7. Letter to the Planning Board from Mary Ann Donofrio, Gore Street, dated 6/8/10.
8. Letter to the Planning Board from the East Cambridge Planning Team, dated 6/13/10.
9. Letter to the Planning Board from Susan Clippinger, Director of Traffic, Parking and Transportation, dated 6/15/10.

## **FINDINGS**

After review of the application documents and other documents submitted to the Board, testimony taken at the two public hearings, and review and consideration of the Project Review Special Permit criteria, Planned Unit Development in the North Point Residence District criteria and requirements, and the general special permit criteria, the Board makes the following findings. In addition the Planning Board is in substantial agreement with the Permittee's findings with regard to conformance to the criteria for granting a Planned Unit Development Special Permit in the North Point Residence District, a Project Review Special Permit and a Special Permit for a reduction in parking, as presented in the Application Documents.

Because the specifics of the proposed project are nearly identical to those of the project permitted by the Planning Board for the 22 Water Street site in case #222 (granted to the same Owner/Applicant), the Findings made with regard to this proposed project are largely the same as those Findings made in the Special Permit Decision for case #222, granted on May 1, 2007.

1. Conformance with Traffic Impact Findings required in Section 19.25.1

Based on the results of the Traffic Study, updated information provided in the Application, and the mitigation measures to be required as a condition of this Permit, the Planning Board finds that the project will have no substantial adverse impact on City traffic within the study area, as detailed in the memorandum to the Planning Board from Susan Clippinger, dated March 16, 2010.

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

The project conforms to the urban design objectives of the City as set forth in Section 19.30.

*(19.31) Responsive to the existing or the anticipated pattern of development.*

The existing pattern of development in North Point is undergoing rapid change as previous industrial and warehousing uses are giving way to new development of residential structures authorized by earlier special permits granted in the North Point PUD district, and at this location, through the redevelopment of previously industrial buildings. It is anticipated that over time there will be a wide range of higher density residential, office, research and development and retail uses in a new neighborhood of public streets and parks in the immediate vicinity of this approved development. This development is consistent with the long range, comprehensive development plan for the adjacent areas of North Point, previously approved as part of Special Permit #179.

The future form of the neighborhood is suggested in the requirements of Section 13.70 of the Zoning Ordinance and the provisions of the Eastern Cambridge Design Guidelines. This Final Development Plan, as referenced above, is consistent with the requirements of Section 13.70, the development plan previously approved by Special Permit #179, the current plan for the relocation of Lechmere Station and extension of the MBTA Green Line by 2014, and upgrading of uses in new and reused buildings immediately adjacent to this project on lots abutting O'Brien Highway.

This project is almost entirely residential, with limited accessory ground floor retail space fronting on Water Street, a critical pathway serving as a major pedestrian entry into North Point from the East Cambridge neighborhood. The expansive pedestrian plaza and open space set out along Water Street, and the principal entrance to the building also facing the street, are designed to ensure pleasant and convenient access to the relocated Lechmere T Station, which will also be served by the renovated and upgraded Water Street.

The building has been designed to be compatible with the anticipated elevated portion of the extended Green Line and to ameliorate some of its negative impact on surrounding development.

Multiple building entries to individual units, as well as a secondary entrance to the building as a whole, are proposed along the long frontage of the development alongside a public open

space including a multiuse path. That aspect of the design will enhance the pedestrian quality of this important public amenity in the future when it is connected to other present and anticipated open spaces in the area.

*(19.32) Pedestrian and bicycle friendly development.*

The project will include the reconstruction of the northerly part of Water Street with substantial public pedestrian open space amenities, and the construction along the northern edge of the property of a section of the multiuse trail anticipated as part of the overall plan for North Point, subject to reaching agreement with the abutting land owner. The project also provides bicycle storage adjacent to the multiuse path as well as at the basement level. The evolving Central Park and multiuse path along the northeast side of the site will be lined with private terraces and multiple unit entries, animating the view for those who will use these amenities in the future. These design features and connections will encourage and contribute to a pedestrian and bicycle friendly precinct creating many opportunities for residents of and visitors to the building to take advantage of the multiuse path, the relocated Lechmere Green Line Station, and the retail, employment, and other services anticipated in North Point in the future.

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

This parcel is a particularly difficult one: it is a triangular piece of property that has only one short edge that abuts a public right of way (Water Street) for vehicular and pedestrian access and one edge that abuts the proposed Green Line extension, which will be elevated fourteen feet in parts and will present a significant challenge to designing an acceptable residential environment at the site.

The building has been designed to create a structure that will be unique but will also fit into the developing fabric of North Point at this very specific location. The tallest portions of the building have been located to the northern edge of the site, as far away as possible from the existing neighborhood and the recent housing and hotel development to the south along O'Brien Highway. A more modest extension of the building is proposed facing Water Street in order to impart a residential character to that street edge and provide an effective use transition to the residential uses along O'Brien Highway. Landscaping and plazas both at grade along Water Street and on the roof of the garage will enhance the views from adjacent buildings existing and anticipated in the future. The parking garage levels have been moved below grade or partially below grade and lined with mostly active uses at the critical public edges to create a strong pedestrian friendly character along Water Street and the Central Park, while addressing the complexity of locating a building along the proposed route of the expanded Green Line viaduct. The garage entry on Water Street has been designed to minimize the width of the vehicle driveway and maximize the width of the sidewalk, thereby enhancing the pedestrian character of the street.

The traditional residential neighborhood of East Cambridge is some blocks away from the site and separated by the multi-lane O'Brien Highway and mid-rise hotel and residential

structures. The greatest height has been located on the portion of the site most removed from the neighborhood and the somewhat lower buildings at O'Brien Highway.

*(19.34) Impact on the City of Cambridge infrastructure, including neighborhood roads, City water supply system and sewer*

City water, sewer and stormwater management systems do not currently reach into this area of North Point. Water Street will provide access to the parking and services facilities proposed in this development. The proponent will be responsible for installation of the water, sewer, storm water management systems, and vehicular and pedestrian access facilities (in coordination with and subject to the approval of the MBTA, which will be reconstructing a section of Water Street to accommodate access to the planned new Lechmere Station, and other abutters) necessary to support the development, in a manner and schedule acceptable to the City. Such systems shall be designed to City standards. With the installation of necessary on-site and off-site improvements the development will not impose any unreasonable negative impact on existing City infrastructure services.

This development is only a small portion of what will be a complete transformation of the North Point district over the next two decades. This development has been designed as a part of the first phase of that larger transformation and will benefit from and be an integral part of future improvements as they occur on adjacent sites.

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

This development is an additional phase in the multi-decade creation of a new urban environment out of the marginal and declining warehouse and railroad district that has until recently dominated North Point. The transportation and industrial functions that were established and thrived in North Point in the 19th and 20th centuries are now anachronisms. They have either been abandoned or now function as holdovers that will be replaced with different activities and functions more appropriate to the new economy of the 21st century and the new needs of a transformed Cambridge and metropolitan area.

In the adoption of the zoning regulations applicable to North Point in 2001, the adoption at the same time of the Eastern Cambridge Design Guidelines, and the publication of the Eastern Cambridge Planning Study, the City has established a clear blueprint for the character of future building in North Point. The approval of the Master Plan for the North Point Land Company parcel by the Planning Board pursuant to Special Permit #179 and the earlier development of Archstone Smith housing under Special Permit #175 have also incorporated those guidelines and objectives. This project is a compatible element and extension of those earlier plans that have established the future course of development in North Point.

*(19.36) Expansion of housing inventory.*

The development is almost entirely housing, with a small amount space for accessory support activities. A significant number of affordable units will be provided in conformance with the inclusionary requirements of Section 11.200 of the Zoning Ordinance.

*(19.37) Open space enhancement and expansion.*

The development will produce publicly accessible open space that will enhance the environment for the residents who will be living there, and contribute to a pleasant pedestrian experience along Water Street for residents of this building, residents already present in other existing buildings, and future visitors to the area going to and from the relocated Green Line Station, the new multiuse path, or the Charles River waterfront. In addition, private open space for the residents will be created atop the roof of the parking garage.

3. Conformance to the requirements for approval of the PUD in North Point Residence District Final Development Plan, Section 12.36.4 (and by reference to Section 12.35.3).
- *The project conforms to the General Development Controls set forth in Section 12.50.*

*(12.51) Conformance with existing policy plans*

As indicated in Sections 5 and 6 of these Findings below, the Planning Board concludes that the development is consistent with the Eastern Cambridge Development Guidelines and the Eastern Cambridge Planning Study and compatible with previously approved plans for this District, including the Master Plan approved by the Planning Board in Special Permit #179.

*(12.52) Minimum Development Parcel size*

The Development Parcel Size of 104,673 square feet exceeds the minimum parcel size required of 100,000 square feet as set forth in Section 13.70.

*(12.53) Standards for Construction of Roadways*

The Department of Traffic, Parking and Transportation shall approve the design and construction details of all streets and ways, consistent with the details of streets suggested in the Final Development Plan, as amended.

*(12.54) Standards for Construction of Utilities and Public Works*

As a condition of this Special Permit, the Department of Public Works and the Water Department shall approve all water and sewer infrastructure construction details and phasing and stormwater management systems as if such improvements were occurring within public rights-of-way.

*(12.55) Landscaping*

All portions of the site not devoted to roadways and buildings will be suitably landscaped.

*(12.56) Environmental Performance Standards*

All applicable environmental regulations shall be met. Conformance to the requirements of the City Noise Ordinance shall be a specific requirement of this Permit.

- *The project conforms to the specific Development Controls* and all requirements of the PUD in the North Point Residence District set forth in Section 13.70, as described in Section 4 of these Findings below.
- *The Final Development Plan provides benefits to the city that outweigh its adverse effects.*

The Planning Board finds that the Permittee presented appropriate responses to the Requests for Modification identified for the Preliminary Development Plan and is now able to make the following determinations:

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

The building is to be occupied by residential uses, the preferred use in the North Point PUD-6 district. The Eastern Cambridge Planning Study (ECAPS) planning process, which resulted in adoption of the zoning that now regulates development on the site, examined these issues in detail as they apply to the North Point area. The very detailed zoning provisions that were adopted as a result of that planning effort were crafted to ensure that these considerations would be adequately addressed. The current design meets the specific technical requirements of the zoning and also advances the spirit of that planning effort in the building and site plan's details.

- (b) Traffic flow and safety.*

Residential is the preferred use in North Point (as reflected in the provisions of the zoning) because of its lower peak hour traffic implications when compared to office or retail activity, among other reasons. The density ultimately allowed in North Point was chosen to ensure that the transportation constraints of this general area would be respected. With adequate mitigation, anticipated traffic flow and vehicular and pedestrian safety will be accommodated adequately.

- (c) Adequacy of utilities and other public works.*

The Permittee, in concert with adjacent property owners such as the MBTA, will be responsible for installation of all utility and roadway infrastructure on and adjacent to the site and will be required by the City to make necessary adjustments to public infrastructure off-site in conformance with City standards to ensure that the development can be accommodated without unacceptable negative impacts.

*(d) Impact on existing public facilities within the city.*

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

*(e) Potential fiscal impacts.*

The development is expected to have a positive fiscal impact.

4. Conformance to the dimensional and use limitations and other provisions of the PUD in the North Point Residence District, Section 13.70 of the Zoning Ordinance

*(13.74.12) Floor Area Ratio*

The project conforms to the maximum permitted FAR of 3.0 before the application of the inclusionary housing bonuses granted in Section 11.200, and before the application of additional FAR for above-ground structured parking as permitted in Section 13.79.2. The Planning Board has granted this additional FAR for above ground parking for the reasons set forth below. The authorized project totals 453,790 square feet of Gross Floor Area (314,019 allowed under base zoning, plus 94,206 allowed under inclusionary zoning, plus 45,565 permitted for above-ground parking under Section 13.79.2). Approximately 1,500 square feet facing Water Street will be occupied by accessory service retail activities (restaurant, café, dry cleaners, convenience store, etc) which the Board finds essential to support the residents of the project.

*(13.74.2) Minimum Development Parcel Size*

The Development Parcel exceeds the 100,000 square foot minimum required.

*(13.74.3) Maximum Building Height*

The Board finds the additional height acceptable, to a maximum of 150 feet, such relief having been granted to the Permittee by the Board of Zoning Appeal (case #9762), given the irregular configuration of the site that limits the options for efficient use of the site with lower buildings more evenly distributed across the parcel; the negative impact the future rail viaduct/embankment would have on any residential use in its immediate vicinity; and the limited impact the additional height will have on the residential East Cambridge neighborhood as, over time, new development along O'Brien Highway (where heights of more than 100 feet are allowed) will tend to screen and obscure this building from that direction. A lower element of the building (65 feet) approved along Water Street provides that street with a much more lively and urban aspect. In addition, a low element of the building (serving as a portion of the parking garage) is to be located adjacent to the future MBTA viaduct/embankment. This low element of the building, in turn, can be used for Private Open Space and "green" roofscape serving both residents of the building and adjacent buildings who will look down onto it as a visual amenity.



*(13.74.35) Waiver of Height Limitations*

The Board finds that 13.74.35 gives it the authority to extend the 120-foot height band by 100 feet into the adjacent 85-foot height band. The Board finds that the building section proposed at a height of 150' does not extend more than 100' feet into the adjacent lower 85' height band. This extension is not inconsistent with the objectives of the District to maintain a variety of building heights.

*(13.75) Open Space*

Twenty percent of the Development Parcel is devoted to public Green Area and /or Permeable Open Space, meeting the minimum requirement of twenty percent for the district. Additional open space is provided on the roof of the parking portion of the building that will serve the residents of the building as Private Open Space. The open space is well located to serve the needs of future residents of the building and to be accessible and useful to the general public. The arrangement of open space will particularly enhance the environment near and beneath the MBTA viaduct to the benefit of the city as a whole.

*(13.77) Roadway Plan*

The Planning Board finds that the only reasonable means of accessing the project site will be via Water Street, given that there are no other existing public roads to the site, and given that it is unknown when the street network anticipated in the North Point Master Plan (approved by Special Permit #179) will be completed. Given the constraints of the site, the proposed vehicular garage entrance location at the southeasterly corner of the site is the preferred alternative, because a garage entrance closer to the northeasterly corner would interfere with the planned open space amenities and pedestrian entrance to the residential portion of the building. It is anticipated that when the planned street network in the area is completed, the Permittee or its successor or successors in interest may relocate the garage entrance to the westerly portion of the building if it is deemed appropriate. Such future relocation may be allowed by a Minor Amendment to this Special Permit.

*(13.78.2) Perimeter and Transition Requirement*

The project will front onto a significant publicly accessible open space, a multiuse path section, to be developed as a part of the Planned Unit Development and, in the future, to connect to a larger series of open spaces approved as part of the North Point Master Plan in Special Permit #179. That open space will be a major amenity for this development that will make access to this development inviting. In turn, this project has been designed to provide an interesting and lively façade to the public realm beyond, with multiple entries to individual units along the entire façade, with private landscaped patios, and landscaped pedestrian walkways. The Permittee will continue to work on the details with CDD and TPT to ensure that the multiuse path is well designed. Construction of the multiuse path is subject to reaching agreement with the abutting land owner.

The design of the project has been driven in significant measure by the planned relocation of the Green Line station to a location directly across Water Street from the project. The viaduct/embankment portions of that relocation project will have a significant impact on inhabitants of this building and will be a prominent feature for surrounding properties and persons walking and driving in the vicinity. The project has been designed to minimize the visual and auditory impact of that element of the future Green Line.

*(13.78.3) Traffic Mitigation Measures*

The Board finds that the traffic mitigation measures required in the Conditions of this Special Permit adequately address the impacts of the authorized development. As indicated above, the vehicular traffic generated by the development is generally well below the threshold criteria established by the Planning Board for identifying critical negative impact on City streets.

*(13.78.4) Relationship to the MBTA Urban Ring*

The authorized development will be consistent with all phases and options for creation of the Urban Ring through North Point. Most accommodation to the requirements of the Urban Ring will occur on the site of the relocated Lechmere Station, but Water Street will be a major element of both the Urban Ring and local transit service.

*(13.79.2) Additional Gross Floor Area for Above Ground Structured Parking*

The Planning Board finds that additional Gross Floor Area may be granted for an above-ground parking structure under the provisions of Section 13.79.2: the parking facility is adjacent to the Somerville municipal boundary line; is abutting a railroad right of way that has not been abandoned and will be reconstituted as the Green Line MBTA extension to the west in the future; the structure will be no higher than 25 feet; the garage is generally screened with active uses, and where that is not the case, is carefully designed at a level equal to the building as a whole; and the elevated garage will ameliorate the visual and auditory impact of the railroad viaduct/embankment on the future residents of this site and others generally in the vicinity.

5. Consistency with the Eastern Cambridge Planning Study

The adopted zoning at North Point reflects the goals and objectives of, and was specifically shaped by, the two-year planning effort that is set out in the Eastern Cambridge Planning Study. The study anticipates that North Point will be developed as a relatively high density, mixed use environment where housing in a variety of forms will dominate, while retail and office uses will play a lesser role. That development, because of North Point's unique circumstances, will be predominantly residential with a significant portion of its development in residential towers.

While the density and building forms anticipated in North Point were not expected to mirror the fine grain and low scale of development in the traditional East Cambridge neighborhood,

the neighborhood pattern of development was inspiration for the Study's insistence that development in North Point create a series of pedestrian friendly streets and ways with buildings scaled to make those streets inviting for pedestrians, bicyclists, and those driving in cars.

Open space amenities will be provided in this project as required in the zoning, primarily the multiuse path section along the northerly edge of the site, along with new pedestrian plazas along Water Street. The large public open space anticipated in the Eastern Cambridge Planning Study was approved in Special Permit #179 as part of the Master Plan for the adjacent North Point parcel.

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

- The project will vastly improve the quality and character of the urban environment on the site, which is currently industrial in nature and uninviting except for those having specific business in the area.
- The project will expand the range of housing opportunities, provide an important addition to the city's inventory of affordable units, and provide a wide range of unit sizes and orientations.
- The project addresses the residential needs of the city; it does not address the need for small and start-up business enterprises except to the extent that a new population base will be established to support retail and consumer services nearby and provide an additional labor pool from which employees can be drawn.
- By virtue of its location, residents of the project have the opportunity to forgo the use of their automobile for many daily work-related or leisure-related trips. This project, in combination with anticipated future development at North Point, will create an entirely new neighborhood, at a prime in-town location, that offers a real possibility for convenient urban living where essential services and amenities are easily accessible by foot, transit, bus, or bicycle.
- When viewed within the context of the entire North Point district, this development follows the ca. 430 units at the Regattaview Residences, the ca. 500 units now occupied in the first phase of the Archstone development, and the ca. 300 units at Parcels S and T in the North Point Land Company development, in initiating the creation of a new mixed use, but primarily residential neighborhood out of formerly underutilized industrial land. As this project unfolds, it will contribute to a new system of pedestrian, bicycle, and vehicular pathways around a relocated MBTA station that will serve as the heart of a lively new retail and service district.

6. Consistency with the Eastern Cambridge Design Guidelines

The Eastern Cambridge Design Guidelines are intended to assist the Board in evaluating the merits of a building or master plan proposal in North Point. The guidelines are not requirements and no proposal will perfectly match all physical attributes described in the guidelines. However, it is the Board's finding that on balance this proposal is consistent with

the guidelines both in spirit and in many specific details. Where the proposal may vary from the specific suggestions made in a guideline statement, the Board finds that the variation is reasonable in the specific context within which the development is being proposed and is far outweighed by those aspects of the proposal that are in accord with the intent of the guidelines.

*Goals.* The Guidelines establish a number of goals for development in North Point: *Creation of a lively new mixed-use district, strong visual and pedestrian connections to East Cambridge, creation of a new east-west main street, extension of First Street into North Point, creation of a major new public park, and a new retail cluster at the relocated Lechmere T station and at First Street.*

This project will contribute a substantial component of 392 units of housing to the new neighborhood at North Point and will provide an inviting pedestrian environment along the redeveloped Water Street, which will serve as a major entry point for residents in the East Cambridge Neighborhood coming to the relocated MBTA station, taking advantage of services in the new North Point neighborhood, or going to the Charles River waterfront.

*Built Form – Street Level Uses and Design.* The Guidelines establish a number of standards: *Low rise buildings as well as portions of the tower buildings should provide terraced small setbacks, front gardens and individual entries to the parks or street; blank wall should be avoided at street and park frontages.*

Elements of the building are designed with individual unit entries and front doors facing the open space and the multiuse path; the lower element of the building has been located along Water Street at a critical location where a strong urban character is necessary to ensure that the very active transit services focused on that street will not come to dominate in a negative way. While the building is unique in its design, and by design has a monolithic aspect, the building has been broken down thoughtfully into sections with varying heights and setbacks to lessen the impact of the length of the building that is to be 506 feet long. Multiple doors are regularly spaced along the frontage with the main entrance at the corner of the building.

Much effort has been expended to design attractive and varied walls with extensive amounts of glass, use of color, and variations in the planes on all facades of the buildings, to ensure variety and interest.

*Built Form – Building Height and Orientation.* The Guidelines establish a number of standards: *Along major public streets set back any portion of the building above 65 feet by at least 10 feet; discourage driveway and vehicle drop-off facilities on main street; locate loading docks on side streets; orient residential courtyards to the south; in use, design, and entry, orient buildings towards corners.*

The service facilities of the building are located and configured in the optimal manner given the constraint that the only public vehicular access to the site is from Water Street. The building has been designed to have a variety of façade elements, especially along the park side, that modulate the scale of the building where it is most visible from the view of the pedestrian. A column supporting the overhang for the upper floors frames the main entrance,

in a gesture intended to make this corner of the building an important landmark for the neighborhood.

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

The constraints of this site, as well as the design objectives of the Permittee, have produced a building design more monolithic in character than envisioned by the Guidelines. However, the Board finds the specific design compelling and original in concept, having been modified over the period of public review to address many of the concerns articulated in the Guidelines, and appropriately scaled to reflect the unique challenges of this site.

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

The design as it has advanced is consistent with these guidelines. Through the use of color, changes in height and setbacks, façade elements, material changes, and other techniques, the designers have successfully adapted a formidable design concept to respect the objectives of these Guidelines.

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

By virtue of its location the development advances the environmental objectives of the LEED program by presenting the opportunity to future residents of living their daily lives free from complete or even substantial dependence on the automobile. Portions of the garage roof will be treated as a green roof.

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

All parking is provided within the parking garage, one level of which is completely underground and the upper level is partially underground. The abutting proposed Green Line extension, which will be elevated or built on an embankment up to a height of fourteen feet, will be incorporated into the garage wall to minimize its impact on the development and to reduce its impact on other nearby properties. Given this particular circumstance, it is the

Board's view that some above ground parking is reasonable and provides some positive benefits to the neighborhood as a whole.

*Public Realm - North Point.* The Guidelines establish a number of standards for North Point as a whole: *Create a major new park convenient to the T; create a series of smaller open spaces such as courtyards, parks, playgrounds and gardens along the central main street; create semi-private open spaces (front and rear yards, porches, stoops, and patios) to create a transition from public sidewalks and courts to private interior spaces; design residential courtyards to be visually accessible from streets to enhance safety and activity along the street.*

Many of these guidelines will be more completely met with development on surrounding sites. This project will, however, create critically important open space features at Water Street accessible to the general public, on the roof of the garage portion of the building, and along the long axis of the lot with the proposed multiuse path section, which will be fronted by private patios and terraces, and will connect to the central open space feature of the North Point Master Plan approved in Special Permit #179.

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

The project when complete will provide these amenities.

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

This project will provide a significant segment of a multiuse path on land abutting the northern edge of the Development Parcel. Water Street will be upgraded to become an attractive pedestrian and vehicular entry into North Point.

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

The project will contribute to the implementation of these improvements on abutting streets and pathways.

7. Reduction in Required Parking allowed by Section 6.35.1

The Board finds that a reduction in the required off-street parking ratio of one space per residential unit is reasonable, and that it will not cause excessive congestion, endanger public safety, reduce parking availability for other uses, or otherwise adversely impact the neighborhood.

The Applicant has proposed an overall number of 351 parking spaces, of which 74 will be tandem spaces for owners requesting two vehicle spaces, 32 will be dedicated to visitor parking, and 5 will be dedicated to a vehicle sharing service (proposed to be operated through Zipcar, Inc.), for an overall off-street parking ratio of about 0.9 spaces per dwelling unit. Information provided by the Applicant has demonstrated that, for comparable projects in the East Cambridge neighborhood, the rate of vehicle ownership per household is less than 0.9 vehicles per household. The vehicle ownership rate is particularly low in areas that are very close to MBTA rapid transit stations. There is also evidence to indicate that the availability of a vehicle sharing service in an area reduces private vehicle ownership rates.

In response to neighbors' concerns with regard to availability of visitor parking, the Applicant has proposed a sufficient number of off-street visitor parking spaces, and parking is also available in various locations near the site, most notably the MBTA commuter parking lot at Lechmere Station, which has relatively low utilization on nights and weekends. Also, as conditions of this Special Permit, the Applicant will undertake Transportation Demand Management (TDM) measures and will monitor parking utilization on an ongoing basis to determine the extent of any spillover parking, as further described below in the Decision portion of this Special Permit.

In making this determination, the Board also takes into account that the project is within a short walking distance of the existing MBTA Lechmere Station, and will be directly next door to the reconstructed Lechmere Station, which is planned to be built by 2014. Also, the project will include affordable housing units as required by the provisions of Section 11.200; the increased FAR and dwelling unit density provisions will also apply.

The Board also makes reference to the memoranda in support of this proposal from Susan Clippinger, director of Traffic, Parking and Transportation, dated March 16 and June 15, 2010, finding that the proposed parking will be adequate and noting that the provision of excess parking might encourage residents without cars to purchase them. Reducing the number of vehicle trips in Cambridge, which is achieved in part by reducing the number of vehicles owned in the city, is an important goal.

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

*A special permit will normally be granted where specific provisions of this Ordinance are met, except where the particulars of the location or use, not generally true of the district or*

*of the uses permitted in it, would cause granting such permit to be to the detriment of the public interest because of the following.*

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

All requirements of the applicable provisions of the Zoning Ordinance will be met with the granting of this Planned Unit Development and Board of Zoning Appeal relief from the height limitations (to permit the structure to rise up to a maximum of 150 feet).

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

The detailed traffic analysis indicates that vehicular traffic generated by the development will not be unreasonable and will not cause congestion or hazard or substantial change from that currently present on abutting streets. The development does not trigger any traffic criteria failures. The Board recognizes the current heavy traffic load and congested intersections already present along O'Brien Highway, but this project will not unreasonably worsen those circumstances. The project will undertake mitigation measures as described in the Conditions to this Special Permit.

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

The proposal is a desired residential use that will complement the existing and proposed residential and commercial buildings. Existing buildings, in combination with the anticipated future developments in the vicinity, will benefit from a substantial upgrading of their immediate environment with the creation of a whole new mixed use neighborhood.

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

No nuisance or hazard will be created.

- 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 development will not impair the integrity of the North Point zoning districts or that of adjacent zoning districts. In fact the development fully meets the intent of those districts to reshape an outdated industrial area into a new mixed-use residential neighborhood for Cambridge.



## DECISION

Based on a review of the Application Documents, comments made at the public hearings, and the above Findings, the Planning Board hereby **GRANTS** the requested Special Permits subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in substantial conformance with the Final Development Plan, Volumes 1 and 2, dated June 1, 2010, along with any other supplemental documents submitted to the Planning Board as referenced above. 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 Decision. As part of the CDD's administrative design review of the project and prior to any certification to the Superintendent of Buildings, the Department shall present to the Planning Board for its review subsequent to this approval the progress on the design of the building and any associated site plan improvements. It is expected that the Department will make such a presentation to the Board as the choices of building and site details and materials are being finalized and on a second occasion when the Building Permit set of plans nears completion.
3. The following uses shall be permitted: Any residential use permitted in Section 16.21.1, with accessory retail space not to exceed 1,500 square feet of Gross Floor Area. Restaurant, café, convenience store, dry cleaning pick-up, fast order food establishment and similar activities shall be permitted that will provide customary services to a residential neighborhood. Location of the permitted non-residential uses shall be as generally set forth in the Application Documents, as revised, unless otherwise permitted by the Planning Board as a Minor Amendment to this Special Permit.
4. The Planning Board permits a reduction in the supply of off-street parking required by Article 6.000. There shall be 314 off-street parking spaces provided for use by residents of the building, of which up to 74 spaces may be two-car tandem spaces to be used by households owning two cars. In addition, there shall be 32 parking spaces provided for visitors and 5 parking spaces provided for a vehicle sharing service, for a total of 351 spaces. Any increase in the overall number of spaces provided or any change in the assignment of spaces to tandem, visitor, or vehicle sharing spaces shall require a Minor Amendment to this PUD Special Permit. Any further reduction in the overall number of off-street parking spaces provided shall require a revised Special Permit from the Planning Board under Section 6.35.1 but shall not require a Major Amendment to this PUD Special Permit.

Because the parking supply, as permitted, does not allow for a parking space to be assigned to each residential unit in the project, the Planning Board finds it consistent with the intent and purpose of this Decision that the owner of a condominium unit with an unused non-tandem parking space may lease or sell that parking space for use only by a resident of a unit within the same building that does not have its own parking space.

The Permittee shall also conduct ongoing monitoring to assess the adequacy of the parking supply in meeting the demand for parking among residents. Beginning at the point when fifty (50) percent of the residential units in the building are occupied, and at least once per year thereafter, the Permittee shall undertake surveys of resident auto use to determine the number of vehicles owned or leased by residents and where those residents customarily store their vehicles overnight. Such surveys shall be conducted in a manner acceptable to the Community Development Department (CDD) and the Traffic, Parking and Transportation (TPT) Department, and the survey results will be made available to CDD and TPT. If the results of such surveys consistently show car ownership at or below the level of accessory parking provided for five consecutive years or more, the Permittee may request that CDD authorize a modification or elimination of this survey requirement, which may be done without amending this Special Permit.

5. The Permittee shall coordinate with the MBTA on the redesign and reconstruction of Water Street. If the MBTA has not performed the reconstruction of its portion of Water Street prior to occupancy of 22 Water Street, the Permittee shall repave Water Street to its intersection with O'Brien Highway or to the limits approved by the MBTA and the City. At a minimum, the sidewalks on the west side (project side) of Water Street shall be completed prior to the first Certificate of Occupancy, subject to approval of the MBTA. All roadway construction shall be performed to the standards of the Traffic, Parking and Transportation Department and the Department of Public Works, and shall, where practical, be substantially consistent with the North Point roadway plan approved by the Planning Board on October 17, 2006, as part of case #179.
6. The Permittee shall prepare detailed plans for the construction of a multiuse path along the northern edge of the Development Parcel, on abutting land, as shown in the Application Documents. This path shall serve as a segment of the future multiuse path included in the North Point Master Plan approved in Special Permit #179, which is planned to connect the planned extension of the Somerville Community Path to the system of pathways along the Charles riverfront parklands. The path shall be designed to be at least twelve (12) feet wide with two (2) foot buffer spaces along each edge, and the path design shall be subject to ongoing review and approval by the Community Development Department (CDD) and the Traffic, Parking and Transportation Department (TPT).

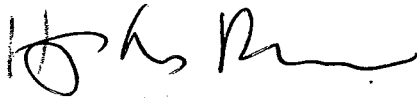
The Permittee shall make all diligent efforts to secure agreement to construct the aforementioned multiuse path segment from the owner of the abutting land on which it is proposed to be built. Prior to the issuance of the first Building Permit for the proposed project (preferably at the time of certification as described in Condition 2 of this Special Permit Decision), the Permittee shall submit detailed design plans for review and approval by CDD and TPT and shall report to CDD and TPT on progress made in reaching agreement with the abutting land owner. Construction of the multiuse path segment shall be completed prior to the issuance of the final Certificate of Occupancy for the proposed project, unless the Permittee has been unable at that time to secure from the land owner the agreement necessary to begin construction, in which case the Permittee shall report to the Planning Board (as a matter of General Business) on the reasons why such agreement has not been reached and what future efforts will be made to complete the path segment.

7. The Permittee and any successor or successors in interest shall be required to implement the following traffic mitigation measures, as described in the above referenced Memorandum to the Planning Board from Susan Clippinger, dated March 16, 2010, in a manner acceptable to the Traffic, Parking and Transportation Department and the Community Development Department.
  - a. Designate a Transportation Coordinator for the site to manage TDM measures.
  - b. Become a member of the Charles River TMA, or its successor, if any.
  - c. Encourage car/vanpooling at the in coordination with MassRides and CRTMA.
  - d. Provide a Charlie Card with a value equivalent to a monthly subway pass to each adult member of a new household, but not to exceed two passes per household, after the household has established residency.
  - e. Provide good access between the bicycle storage area and the multiuse path. Provide air pumps in the bicycle storage areas.
  - f. In centralized locations for residents and visitors, post public transportation schedules and information on available pedestrian and bicycle facilities in the vicinity of the project site.
  - g. Provide pedestrian lighting around the site, in coordination with City staff, the MBTA and other abutting property owners. The lighting shall be designed to promote and provide safe access to public transportation, the multiuse path and public open space.
8. The Permittee shall meet all requirements and standards of the City of Cambridge and its relevant departments with regard to the design and installation of the following infrastructure and utility improvements necessary to service the development, as if such facilities were to be installed in City streets: water and sewer service, stormwater management systems, electrical service, and cable installation. The Department of Public Works, the Water Department, the Electrical Department, License Commission, or any other department that may have jurisdiction, shall determine that all utility improvements on and off the site are sufficient to support the project, that all construction details are designed to City standards and that such improvements are installed, without cost to the City, in a satisfactory manner at the appropriate time in the course of the completion of the authorized development, as determined by the City.
9. If, at some time in the future, the anticipated street network in the North Point area is completed such that there is public vehicular access to the western end of the project site, the Permittee may seek a Minor Amendment to this PUD Special Permit for the relocation of the parking garage and service entrance from its permitted location to the western end of the building. In granting this Minor Amendment, the Planning Board shall review the design and functioning of the newly proposed entrance along with the redesign of the space along Water Street where the entrance is presently permitted, and shall consider the potential impacts of such a change on surrounding open spaces, particularly the planned multiuse path, and on any neighboring development that has been built or proposed at that time. Such a relocation shall conform to all applicable zoning requirements, including the requirement to provide an area equivalent to 20% of the lot area as publicly accessible open space.
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.

11. All open space shall be installed and maintained by the Permittee in conformance with final site and landscaping plans certified by the CDD as consistent with Final Development Plan, as amended, as required in Condition #2 above. All open space indicated in the Application Documents intended to be accessible to the general public shall be accessible to the general public as is customary for public parks unless more restrictive access is approved by the Planning Board for good cause.
12. The Planning Board approves any subdivision of the Development Parcel that may be required to convey any street, in fee or easement, to the City of Cambridge.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members Thomas Anninger, Hugh Russell, Patricia Singer, William Tibbs, Steven Winter, and Pamela Winters, and Associate Member Charles Studen, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



Hugh Russell, Chair

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, the Permittee agrees to the conditions attached to this Decision approving the granting of a PUD Special Permit for Case #247.



Christopher Kaneb  
Authorized Representative

A copy of this decision #247 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 July 8, 2010, by Jeffrey C. Roberts, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

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

DATE:

City Clerk of Cambridge

**Appendix I: Dimensional Form**

	Allowed/Required	Proposed	Permitted
Lot Area	100,000 sq ft	104,673 sq ft	No change
Lot Width	No requirement	225 ft	No change
Total GFA	As shown below	453,790 sq ft	Consistent with Zoning Ordinance and Final Development Plan
Non-Residential Base GFA	N/A	None	
Residential Base GFA	314,019 sq ft (max)	314,019 sq ft	
Inclusionary GFA Bonus	94,206 sq ft (max)	94,206 sq ft	
GFA for Above-Ground Parking	45,565 sq ft (max) <sup>1</sup>	45,565 sq ft	
Total FAR	As shown below	4.34	Consistent with Zoning Ordinance and Final Development Plan
Non-Residential FAR	N/A	None	
Residential Base FAR	3.00 (max)	3.00	
Inclusionary FAR Bonus	0.90 (max)	0.90	
FAR for Above-Ground Parking	0.44 (max)	0.44	
Lot Area / Dwelling Unit	No minimum	approx. 267 sq ft	Consistent with Zoning Ordinance and Final Development Plan
Base Dwelling Units	No maximum	347	
Inclusionary Units	No maximum	45	
Total Dwelling Units	No maximum	392	
Range of Building Heights (ft)	65–120 ft	65–150 ft <sup>2</sup>	Consistent with Zoning Ordinance and Final Development Plan
Front Yard Setback (ft)	Not required	0 ft	Consistent with Zoning Ordinance and Final Development Plan
Left Side Yard Setback (ft)	Not required	0.8 ft	
Right Side Yard Setback (ft)	Not required	1.2 ft	
Rear Yard Setback (ft)	Not required	151 ft	
Total Open Space (of lot area)	20% (min)	44%	Consistent with Zoning Ordinance and Final Development Plan
Public	20% (min)	20%	
Private (Usable)	N/A	24%	
Off-Street Parking Spaces	392–588	351 <sup>3</sup>	Consistent with Zoning Ordinance and Final Development Plan
Handicapped	Consistent with Zoning Ordinance Section 6.34	8	
Bicycle Spaces	196 minimum	196	
Loading Bays	No requirement	1	

<sup>1</sup> Permitted by the Planning Board as authorized under Section 13.79.2.

<sup>2</sup> Height relief granted by the Board of Zoning Appeal.

<sup>3</sup> Reduction in required parking permitted by the Planning Board under Section 6.35.1.