

CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS  
2010 JUN -4 A 11:47

**NOTICE OF DECISION**

**Case No:** #248  
**Address:** 1067-1077 Massachusetts Avenue  
**Zoning:** Business B / Harvard Square Overlay  
**Owner:** Brighton Allston Properties, LLC  
**Applicants:** Brighton Allston Properties, LLC/R&R Realty LLC, 1299  
Beacon Street, Brookline, Mass. 02446  
**Application Date:** February 20, 2010  
**Public Hearing:** April 20, 2010  
**Planning Board Decision:** April 20, 2010  
**Date of Filing Decision:** June 4, 2010  
**Application:** Request for special permit to waive the required yard  
requirements for residential uses in the base Business B  
district, Section 20.54.5; Article 19.000  
**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.

*Edmund Paden*

## DECISION

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**Zoning:** Business B / Harvard Square Overlay

**Owner:** Brighton Allston Properties, LLC

**Applicants:** Brighton Allston Properties, LLC/R&R Realty LLC, 1299  
Beacon Street, Brookline, Mass. 02446

**Application:** Special Permit to waive Residence C-3 yard requirements,  
Section 20.54.5.

**Application Date:** February 20, 2010

**Public Hearing:** April 20, 2010

**Planning Board Decision:** April 20, 2010

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**Application:** Request for special permit to waive the required yard  
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### Application Documents

Application certified complete on February 20, 2010 including site photo, dimensional form, Zoning Compliance Sheet Z-1, Zoning Compliance Analysis sheet, Narrative for special permit application, application fee.

Plans entitled *1063 -1077 Massachusetts Avenue – Planning Board Special Permit Application* dated 3/03 2010, Peter Quinn Architects LLC, architect; nineteen sheets including floor plans, elevations, architectural details, zoning analyses.

### Other Documents Submitted

Revised plans entitled *1063-1077 Massachusetts Avenue – Planning Board Special Permit Application*, Peter Quinn Architects, dated 4/20/2010; six sheets showing a perspective, four elevations, floor plans, wall sections and elevation details.

Plans entitled *1075 Mass Ave – Shadow Study, Brighton Allston Prop's LLC*, dated 4/20/2010; thirteen sheets showing equinox and solstice periods.

Revised shadow study narrative from Peter Quinn Architects, dated April 20, 2010.

Memo to the Planning Board from Sue Clippinger, Department of Traffic, Parking and Transportation, dated April 20, 2010.

## **Findings**

Based on the application documents submitted, testimony taken at the public hearing, staff comments, and discussion 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 permit as set forth below.

### **1. 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. The Planning Board finds that the proposed project will not cause any conditions that are detrimental to the public interest as set forth below.

**a. The requirements of the Zoning Ordinance can be met.**

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

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

The project will not cause congestion, hazard or substantial change in the established character of the neighborhood as a result of the traffic generated by the new building. Availability of transit nearby and the limited scale of the residential and commercial uses can be easily accommodated within the neighborhood and are consistent with the expected character of development at this location.

**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.**

Adjacent uses will not be adversely affected. Several nearby and adjacent lots are fully developed to a scale similar to or denser than the proposal; a mix of residential, retail and office uses can be found in the neighborhood. Smaller scaled residential uses in the abutting Residence C-1 district are more than sixty-five feet away to the property line.

**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 either for the occupants of the building or residents or visitors to the neighborhood. The project is consistent with development anticipated by the Harvard Square Overlay District and the base district it modifies, and is well located to be served by existing infrastructure.

- 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**

Moderately scaled office, retail or residential structures are anticipated at this location as set forth in the dimensional features of the Business B District and the Harvard Square Overlay District and as described in the Harvard Square Development Guidelines for the Bow and Arrow Streets/Putnam Square Sub-District.

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

19.31. *New projects should be responsive to the existing or anticipated patterns of development.*

The project is responsive to the existing pattern of development, which over the past forty years has consisted of large scale office and residential construction; new, denser development is anticipated to be focused on Putnam Square in the Bow and Arrow Streets/Putnam Square Sub District as set forth in the *Harvard Square Development Guidelines*. This proposal follows that multi-decade trend and policy directive.

19.32. *Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.*

The development will retain the ground floor retail activity that has characterized the site for many decades. Small details, like the canopy overhang, provide amenities to pedestrians on the sidewalk. The building itself completes the urban definition of Putnam Square, providing a sense of place and enclosure that has a positive benefit to the general public passing through the square.

19.33. *The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.*

The design of the building has been adjusted to provide the most generous setbacks at its northerly edge where it abuts office and residential tenants, located only thirty feet or so from the property line. The minimal setbacks provided on the other three sides are where the project abuts the two adjacent public streets and, on the fourth side, a large featureless expanse of concrete parking deck.

19.34. *Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system and sewer system.*

The project will not overwhelm city infrastructure in a section of the city intended to accommodate moderate density construction.

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

As mentioned above, this new building completes Putnam Square as a civic space, in a modest manner consistent with the applicable zoning regulations.

19.36. *Expansion of the inventory of housing in the City encouraged.*

New housing will be introduced into Harvard Square at a particularly congenial location, close to residents in the immediately adjacent Mid-Cambridge and Riverside neighborhoods and at 1105 Massachusetts Avenue.

19.37. *Enhancement and expansion of open space amenities in the City should be incorporated into the development of the city.*

No publicly accessible open space will be created. However, the project will provide nearly three times the Private Open Space required for the residential use on the lot and that open space will be substantially designed as a green roof that will address many of the stormwater management obligations of the lot and the Green Area Open Space requirements of Section 19.50.

## **2. Compliance with Criteria for Relief from Setback Requirements for Residential Uses, Section 20.54.5**

**a. Conformance with the criteria contained in the *Harvard Square Development Guidelines*.**

**b. No loss of a National Register or Contributing building.**

While preservation is the goal for much of the Bow/Arrow/Putnam Sub-District, Putnam Square is recognized as a location for more dense development at a larger scale; given the four decade history of large, contemporary office and residential construction here, a new contemporary building serves the positive urban design purpose of completing the square and giving it definition and a greater sense of place than it has now. The Cambridge Historical Commission has permitted the demolition of the one story retail building now on the site and did not designate that building as a Preferably Preserved Significant Building.

## **3. Compliance with the General Development Guidelines for the Harvard Square Overlay District**

The proposed project is in compliance with the general purposes of the Harvard Square Overlay District, as enumerated in Section 20.52 of the Zoning Ordinance. In reaching this finding and in deciding to grant the special permit requested by the Applicant, 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 existing building on the site is a modestly attractive one and would make a valuable contribution to the urban environment of Harvard Square if it were restored and reused. Nevertheless, its proposed replacement with the larger retail/housing building which is the subject of this Decision makes its own positive urban design contributions to the Square, which compensates for the loss of an historic structure. The Cambridge Historical Commission has concurred in deciding not to designate the building a Preferably Preserved Significant Building.

***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.***

This building completes the pattern of modern larger-scaled buildings at Putnam Square. The design of the ground floor does maintain the retail orientation of the existing historic building and offers the opportunity to continue the retail character of this site into the future.

***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.***

There will be no extensive reconfiguration of the public realm, which at this location consists of public sidewalks.

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

The proposed building is on a small site that provides no opportunity for off-sidewalk paths or any nearby destination that would serve as a rationale for such a path. The building serves the public purpose by providing a pleasing retail frontage at the ground floor.

***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 project will provide a significant number of new residential units in the Square.

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

As transportation policy has evolved over time, an emphasis on public transit, pedestrian and biking activity has risen in importance; by making its immediate environment more inviting, this building will advance those modes of transportation for the retail and office tenants of the building. Nevertheless, parking is provided to meet the needs of the future residents of the building.

## **Decision**

Based on its review of the application documents, comments made at the public hearing and Based on the above findings, the Planning Board GRANTS the requested waiver of yard requirements relief subject to the following conditions and limitations. [No Article 19.000 Project Review Special Permit is required.]

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 April 20, 2010, except as they may be modified by these conditions and limitations. Appendix I summarizes the dimensional features of the Project as approved.

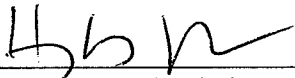
2. The project shall be subject to continuing design review by the Community Development Department (CDD), including details of the green roof/deck. Before issuance of each Building Permit for the project, the CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Permit.

3. The recommendations of the memo to the Board from Sue Clippinger dated April 20, 2010 as referenced above are made a condition of this decision.

4. 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, P. Singer, T. Cohen 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,

  
\_\_\_\_\_  
Hugh Russell, Chair

A copy of this decision #248 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on June 4, 2010 by Elizabeth M. Paden, 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 #248**

**Address: 1067-1077 Massachusetts Avenue**

	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
<b>Total FAR</b>			3.57	3.57
<b>Non-Residential</b>	2.75	1.25	0.77	
<b>Residential</b>	3.0		2.16	
<b>Inclusionary Bonus</b>	0.9		.64	
<b>Total GFA in Sq. Ft.</b>			31,952 sf	31,952 sf
<b>Non-Residential</b>	24,623.5 sf	11,216 sf	6,928 sf	6,928 sf
<b>Residential</b>	26,862 sf		19,313 sf	19,313 sf
<b>Inclusionary Bonus</b>	8,058.6 sf		5,711 sf	5,711 sf
<b>Lot Area per DU</b>	300	0	447.7	447.7
<b>Total Dwelling Units</b>	37	0	20	20
<b>Base Units</b>	29		16	16
<b>Inclusionary Bonus</b>	8		4	4
<b>Max. Height</b>	60/80 ft	15 ft	59.9 ft	60 ft
<b>Lot Size</b>	No minimum	8,954 sf	8,954 sf	8,954 sf
<b>Min. Lot Width</b>	No Minimum	132 ft	132 ft	As is
<b>Min. Yard Setbacks</b>	(residential)			
<b>Front 1</b>	5 ft	0.7 ft	0'com/0.67' res	0'com/0.67' res
<b>Front 2</b>	5 ft	9.1 ft	0'com/0.67' res	0'com/0.67' res
<b>Side 1</b>	22.3 ft	14.5 ft	0'com/0.67' res	0'com/0.67' res
<b>Side 2</b>	20.8 ft	0	0'com/39.42' res	0'com/39.42' res
<b>Total % Open Space</b>				
<b>Private</b>	895 sf (10%)	0	2,539 sf (28%)	28%
<b>Green Area</b>	1343 sf (15%)	0	0	0
<b>(Section 19.50 for as-of-right development)</b>	Waived by virtue of the Special Permit and Section 19.30 findings			
<b>Off Street Parking</b>	20	0	20	20
<b>Bicycle Spaces</b>	10	0	10	10
<b>Loading Bays</b>	0	0	0	0