

OWNERSHIP CERTIFICATE

Project Address: 33 Cottage Park Avenue

Application Date:

This form is to be completed by the property owner, signed, and submitted with the Special Permit Application:

I hereby authorize the following Applicant: Tyler Court Limited Partnership
at the following address: 1 Tyler Court, Cambridge, MA 02140
to apply for a special permit for: a multifamily residential building
on premises located at: 35 Cottage Park Avenue, 25 Edmunds Street, 1 Tyler Court
for which the record title stands in the name of: Tyler Court Realty Trust
whose address is: 1 Tyler Court, Cambridge, MA 02140

by a deed duly recorded in the:

Registry of Deeds of County: Middlesex Book: 28023 Page: 511
and Registry District of the Land Court,
Certificate No.: 210365 Book: 1182 Page: 15

TYLER COURT REALTY TRUST
By: Theodore E. Daiber, Trustee
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)
Theodore E. Daiber, Trustee

To be completed by Notary Public:

Commonwealth of Massachusetts, County of Norfolk

The above named Theodore E. Daiber, Trustee personally appeared before me,

on the month, day and year 2/5/13 and made oath that the above statement is true.

Notary: Colleen Lauria, Notary Public

My Commission expires: September 26, 2019



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

SPECIAL PERMIT APPLICATION • COVER SHEET

In accordance with the requirements of the City of Cambridge Zoning Ordinance, the undersigned hereby petitions the Planning Board for one or more Special Permits for the premises indicated below.

Location of Premises: 33 Cottage Park Avenue
Zoning District: Special District 2
Applicant Name: Tyler Court Limited Partnership
Applicant Address: 1 Tyler Court, Cambridge, MA 02140
Contact Information: (617) 492-4100 jrafferty@adamsrafferty.com (617) 492-3131
Telephone # Email Address Fax #

List all requested special permit(s) (with reference to zoning section numbers) below. *Note that the Applicant is responsible for seeking all necessary special permits for the project. A special permit cannot be granted if it is not specifically requested in the Application.*

Article 19.20 (Project Review Special Permit)
Article 10.47; 10.47.4 (Multi-Family Special Permit)
Article 10.40 (Special Permit)

List all submitted materials (include document titles and volume numbers where applicable) below.

Survey; Proposed Site Plan; Floor Plans; Elevations;
Landscape Plan; Photographs; Ownership Certificate; and
Project Narrative.
Traffic Study has been submitted separately.

TYLER COURT LIMITED PARTNERSHIP BY
Tyler Court Corporation, its General Partner

Signature of Applicant: By: _____

Robert R. Fawcett, President

For the Planning Board, this application has been received by the Community Development Department (CDD) on the date specified below:

Date

Signature of CDD Staff

b. SPECIAL PERMIT APPLICATION – SUMMARY OF APPLICATION

| |
|--|
| Project Name: Address of Site: 33 Cottage Park Avenue Applicant: Tyler Court Limited Partnership Planning Board Project Number: (CDD) |
|--|

Hearing Timeline (CDD)

Application Date: _____ *

Planning Board 1st Hearing Date: _____ *
(PUD Development Proposal, other special permit)

Planning Board Preliminary Determination: _____ *
(PUD Development Proposal)

Second Submission Date: _____ *
(PUD Final Development Plan)

Planning Board 2nd Hearing Date: _____ *
(PUD Final Development Plan)

Final Planning Board Action Date: _____ *
(PUD Final Development Plan, other special permit)

Deadline for Filing Decision: _____ *

**Subject to extension by mutual agreement of the Applicant and the Planning Board*

Requested Relief: (include other boards and commissions)

- Special Permit; Project Review (19.20) Multi-Family (10.47)
- _____

Project Description

Brief Narrative: Petitioner seeks to construct multi-family building containing 67 Dwelling units with 71 parking spaces for residents, six additional parking spaces for visitors and deliveries, and 83 bicycle parking spaces.

- Total GFA: 83,528.57 sf
- Non-residential uses GFA: _____
- Site Area (acres and SF): 2.98 acres/130,079 square feet
- # of Parking Spaces: 71

Proposed Uses:

- # of Dwelling Units: 67
- Other Uses N/A
- Open Space (% of the site and SF) 49.8%

Proposed Dimensions:

- Height: 40' / 35'
- FAR: .64

FEE SCHEDULE

Project Address:

Application Date:

The Applicant must provide the full fee (by check or money order) with the Special Permit Application. Depending on the nature of the proposed project and the types of Special Permit being sought, the required fee is the larger of the following amounts:

- If the proposed project includes the creation of new or substantially rehabilitated floor area, or a change of use subject to Section 19.20, the fee is ten cents (\$0.10) per square foot of total proposed Gross Floor Area.
- If a Flood Plain Special Permit is being sought as part of the Application, the fee is one thousand dollars (\$1,000.00), unless the amount determined above is greater.
- In any case, the minimum fee is one hundred fifty dollars (\$150.00).

Fee Calculation

| | | | |
|---|--------|---|-----------------|
| New or Substantially Rehabilitated Gross Floor Area (SF): | 83,067 | × \$0.10 = | 8,306.70 |
| Flood Plain Special Permit | | Enter \$1,000.00 if applicable: | — |
| Other Special Permit | | Enter \$150.00 if no other fee is applicable: | 150. |
| TOTAL SPECIAL PERMIT FEE | | Enter Larger of the Above Amounts: | 8,456.70 |

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Application Date:

This form is to be completed by the property owner, signed, and submitted with the Special Permit Application:

I hereby authorize the following Applicant: Tyler Court Limited Partnership
at the following address: 1 Tyler Court, Cambridge, MA 02140
to apply for a special permit for: a multifamily residential building
on premises located at: 12 & 32 Whittemore Avenue, 62 Magoun Street
for which the record title stands in the name of: Whittemore Avenue LLC
whose address is: 1 Tyler Court, Cambridge, MA 02140

by a deed duly recorded in the:

Registry of Deeds of County: Middlesex Book: 42687 Page: 251

OR Registry District of the Land Court,
Certificate No.:

Book: Page:

WHITTEMORE AVENUE LLC

By:

Robert R. Fawcett, Manager
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)
Robert R. Fawcett, Manager

To be completed by Notary Public:

Commonwealth of Massachusetts, County of PLYMOUTH

The above named ROBERT R. FAWCETT personally appeared before me,

on the month, day and year FEB. 4, 2013 and made oath that the above statement is true.

Notary: Jean M. Hatch

My Commission expires: 10-15-15



Project Narrative

This is an application by Tyler Court Limited Partnership for a Special Permit to allow for the construction of a multifamily residential building at 33 Cottage Park Avenue containing sixty seven (67) dwelling units with parking for 71 motor vehicles and 83 bicycles. The property is situated along the Linear Park in North Cambridge and lies within Special District 2.

The project will involve the redevelopment of the Fawcett Oil distribution facility and offices and portions of the former Norberg Greenhouses lot into a generously landscaped site containing a single structure with principal entrances on both Whittemore Avenue on the west and Cottage Park Avenue on the east. The new building will consist of a three and four story Mansard design structure totaling approximately 83,500 square feet. Vehicular access to the property will be from Cottage Park Avenue and Whittemore Avenue. Parking facilities will consist of surface parking lots on the eastern and western edges of the site and a controlled access parking facility abutting the building containing at grade and covered parking.

The landscape will result in the creation of a park like setting throughout the site with significant open green spaces dedicated to active play as well as passive enjoyment. Enhanced pedestrian access to the abutting Linear Park will be created at the end of Cottage Park Avenue. The remainder of the Norberg Greenhouse lot is being subdivided into four separate lots of 5,000 square feet. Those lots are intended to be sold and developed as single or two family dwellings. They are not included in this application.

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g. fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 33 Cottage Park Avenue (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reason:

The project as designed conforms with all the requirements of the Special District 2 Zoning District, including recent amendments that reduced the Floor Area Ratio (FAR), increased the lot area per dwelling unit, and lowered heights.

B) Traffic generated or pattern of access or egress would not cause congestion hazard, or substantial change in established neighborhood character or the following reasons:

As demonstrated by the Traffic Impact Study (TIS) submitted with this application, the project does not exceed any of the Project Review criteria.

C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

Adjacent uses will not be adversely affected. To the contrary, replacing the existing oil distribution facility with housing will benefit the adjacent residential neighborhood.

D) Nuisance of hazard would not be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City for the following reasons:

There will be no nuisance or hazard created by the creation of a residential use at this site.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this Ordinance for the following reasons:

The project, as proposed, is entirely consistent with the intention of Special District 2 to "encourage the establishment of residential uses in the district in a form and density compatible with the adjacent residential neighborhood".

Project Review Special Permit – Conformance with Citywide Urban Design Objectives (Section 19.30)

Section 19.31: New projects should be responsive to the existing or anticipated pattern of development. Indicators include:

(1) *Heights and setbacks provide suitable transitions to abutting or nearby residential zoning districts that are generally developed to low scale residential uses.*

In accordance with the recently adopted amendments to the Special District 2 Zoning District, the building is set back fifty feet (50') from the abutting residential neighborhood which provides an ample area for transition between the respective heights of 45 feet (SD-2) and 35 feet (Residence B). Moreover, the building is set back more than 100 feet from Whittemore Avenue.

(2) *New buildings are designed and oriented on the lot so as to be consistent with the established streetscape on those streets on which the project lot abuts. Streetscape is meant to refer to the pattern of building setbacks and heights in relationship to public streets.*

There is no established streetscape at the site currently or historically. The site is abutted by five public ways, all of which terminate at the property line. The redevelopment of the lot is intended to create a coherent streetscape pattern by organizing a series of private drives that are consistent with the layout of the abutting streets.

The building is set back along the Cottage Park Avenue driveway the same distance as the existing residential dwellings on the street, thus creating a consistent frontyard scale.

(3) *In mixed use projects, uses are to be located carefully to respect content.*

This is not a mixed use project.

(4) *Where relevant, historical context are respected, e.g. special considerations should be given to buildings on the site or neighboring buildings that are preferably preserved.*

All of the existing structures on the site are utilitarian, light industrial buildings lacking in architectural significance.

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

(1) *Ground floors, particularly where they face public streets, public parks, and publicly accessible pathways consist of spaces that are actively inhabited by people.*

While the building itself faces few of the public streets that abut it, its most prominent face abuts the Linear Park. The ground floor has been designed to include a series of patios, terraces, and pathways that will activate the area facing the Linear Park.

(2) Covered parking on the lower floors of a building and on-grade open parking particularly where located in front of a building, is discouraged where a building faces a public street or public park and publicly accessible pathways.

The layout of the site has been designed so that none of the surface parking faces or abuts the Linear Park. The covered parking area is located along the edge of the site that is abutted by the surface parking lot of a nearby condominium building, the blank wall of an industrial building converted to residential use, and an NStar gas facility.

(3) Ground floors should be generally 25-50% transparent. The greatest amount of glass would be expected for retail uses with lesser amounts for office, institutional or residential use.

The ground floor of the building consists largely of residential dwelling units containing ample doors and windows.

(4) Entries to buildings are located so as to ensure safe pedestrian movement across streets, encourage walking as a preferred mode of travel within the city and to encourage the use of public transit for employment and other trips.

When developed, the site will contain new opportunities for better access to the Linear Park for the residents of the building as well as neighbors. The Linear Park provides a pleasant and pedestrian friendly environment to the Alewife T station, Massachusetts Avenue, and Davis Square. In addition, the proponent will be installing sidewalks on the site that will lead to Whittemore Avenue, Magoun Street, Cottage Park Avenue and Edmunds Street.

(5) Pedestrians and bicyclists are able to access the site safely and conveniently; bicyclists should have secure storage facilities conveniently located on-site and out of the weather.

The building has been designed with a strong awareness of the bicycling opportunities that surround it. There will be at least one bicycle parking space for each dwelling unit. Bicycle parking will be located in dedicated rooms on the ground floor of the building that will be easily accessed with interior and exterior entries. In addition, visitor bicycle parking spaces will be located at both entrances to the building.

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

(1) Mechanical equipment that is carefully designed, well organized or visually screened from its surroundings and is acoustically buffered from neighbors.

The cooling and heating system will consist of individual units that will be located on the roof of the building and sited to minimize visual or acoustical impacts.

(2) *Trash that is handled to avoid impacts (noise, odor, and visual quality) on neighbors, e.g. use of trash compactors or containment of all trash storage within a building is encouraged.*

There are two locations for trash storage which have been sited and designed to minimize any visual or other impact upon abutters. Both locations will be enclosed with a six foot fence and landscape screening.

(3) *Loading docks that are located and designed to minimize impacts (visual and operational) on neighbors.*

There are no loading facilities required or provided.

(4) *Stormwater Best Management Practices and other measures to minimize runoff and improve water quality are implemented.*

The proposed storm water management system has been designed in a manner that will exceed the provisions of the Department of Environmental Protection (DEP) Stormwater Management Policy (hereinafter, the "Policy") for a new construction project. The design is also in conformance with the City of Cambridge stormwater management guidelines, as outlined in the document "Wastewater and Stormwater Management Guidance" dated May 2008. The proposed Stormwater Management System for the Project will treat and infiltrate the portions of the runoff volume from the post-development for a 25-year storm event along with runoff volumes from all other rainfall events to reduce the existing stormwater flow rates and volumes generated onsite today. The Site has been designed to reduce impervious area. Additional stormwater management measures on site such as an underground detention/infiltration system and natural swales will further reduce stormwater runoff generated on site. All runoff collected with ultimately overflowed to the new drainage infrastructure in Whittemore Street.

(5) *Landscaped areas and required Green Area Open Space, in addition to serving as visual amenities, are employed to reduce the rate and volume of stormwater runoff compared to pre-development conditions.*

The site has been designed to increase the permeable open space on site. The existing permeable open space will increase from 32,649 sf (25%) to 64,100 (49%) which will significantly increase onsite infiltration and reduce peak runoff rates from the site.

(6) *The structure is designed and sited to minimize shadow impacts on neighboring lots, especially shadows that would have a significant impact on the use and enjoyments of adjacent open spaces.*

The Linear Park is located south of the proposed building and as required by the recent amendment to Special District 2, the building height is limited to thirty-five (35') feet within fifty feet of the Park. Thus shadow-impacts on this open space is minimal.

In addition, the building is set back more than fifty (50') from the northern property line and more than one hundred feet (100') from the eastern and western property lines.

(7) *Changes in grade across the lot are designed in ways that minimize the need for structural retaining walls close to the property line.*

There are only modest grade changes across the entire site and there are no structural retaining walls proposed.

(8) *Building scale and wall treatment, including provisions of windows, are sensitive to existing residential uses on adjacent lots.*

The building will be located more than fifty feet from any abutting residential structures. Window openings are of a size typical for residential uses in the surrounding neighborhood.

(9) *Outdoor lighting is designed to provide minimum lighting necessary to ensure adequate safety, night vision, and comfort, while minimizing light pollution.*

Outdoor lighting will be designed to provide the required lighting necessary to ensure adequate safety, night vision and comfort, while minimizing light pollution.

(10) *The creation of a Tree Protection Plan that identifies important trees on site, encourages their protection, or provides for adequate replacement of trees lost to development on the site.*

A Tree Survey has been submitted to the City Arborist for review. There are few, if any, important trees on site, but as indicated in the Landscape Site Plan, significant tree planting will occur as part of the development of the site.

Section 19.34: Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, or sewer system.

(1) *The building and site design are designed to make use of water-conserving plumbing and minimize the amount of stormwater run-off through the use of best management practices for stormwater management.*

The site has been designed to reduce the amount of runoff generated onsite by reducing the existing impervious area onsite and the incorporation of an underground infiltration system. The combination of the infiltration system and the reduction in impervious area provide conformance with the City of Cambridge Stormwater Management Guidance for the site development and a reduction in stormwater runoff.

(2) *The capacity and condition of drinking water and wastewater infrastructure systems are shown to be adequate, or steps necessary to bring them up to an acceptable level are identified.*

The Project will require approximately 22,660 gallons per day for its domestic water demands, based on the sanitary flow calculations per 310 CMR 15.203. It is anticipated that the site's service connection will be from the existing 8-inch water line in Magoun Street. The capacity of the existing water supply infrastructure in Magoun Street has been determined through hydrant flow tests conducted with the City Water Department and determined that there is adequate water to service the proposed Project from Magoun Street. Additionally, the Project is working with the Cambridge Water Department to provide a looping of the City watermain through the property to improve water quality and pressures in the neighborhood.

The Project has meet with the City DPW regarding the sanitary flows from the Project. Adequate sewer infrastruture is available on Whittemore Avenue where the Project proposes to connect to the City infrastructure. Additionally, a portion of the existing site drainage discharges to an existing combined sanitary line onsite. The project proposes to re-direct site runoff to the proposed drainage system, thus resulting in a reduction in discharges to the City sanitary system.

(3) Buildings are designed to use natural resources and energy resources efficiently in construction, maintenance, and long-term operation of the building, including supporting mechanical systems that reduce the need for mechanical equipment generally and it's location on the roof of a building specifically. The buildings are sited on the lot to allow construction on the adjacent lots to do the same. Compliance with Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environment efficiency standards is encouraged.

The Project will be designed to minimize any negative impact on the environment and its performance will be measured using the Leadership in Energy and Environmental Design (LEED) standards. A description of the sustainable design approach for the project is contained in the LEED Narrative and LEED Checklist submitted with this Application. Mechanical systems will be of high efficiency and insulated, minimizing impact on the water, electrical, and gas service.

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

The development of this site as multi-family housing is consistent with the change in character that has occurred in the last few decades to many of the former light industrial uses that abut the Linear Park.

Section 19.36: Expansion of the inventory of housing in the city is encouraged.

When completed, the project will provide sixty-seven additional dwelling units, including eight affordable units. The unit mix will be varied in order to accommodate a range of household sizes. Of particular significance is the creation of twelve (12) three bedroom units that can accommodate families with children.

Section 19.37: Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.

The redevelopment of the site will result in the creation of more than 64,000 square feet of open space which is currently nearly impervious, consisting of a mix of office buildings, garages, and surface parking lots. This new open space will serve as an amenity to the residents of the building and provide for enhanced access to the Linear Park for neighborhood residents. Moreover, new sidewalks will be created that will allow for safe pedestrian links between the streets that abut the site.

Section 10.47.4: Criteria for approval of Townhouses and Multifamily Dwellings.

In reviewing applications for townhouse developments and multifamily dwelling, the special permit granting authority shall consider and address the following site plan criteria as applicable:

(1) Key features of the natural landscape should be preserved to the maximum extent feasible. Tree removal should be minimized and other natural features of the site, such as slopes, should be maintained.

The existing natural landscape includes very few landscaped features. The site is relatively flat and there is little grade change occurring as a result of the development.

(2) New buildings should be related sensitively to the existing built environment. The location, orientation and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruptions should be avoided.

The building has been designed and sited in a manner that is highly sensitive to the open space of the Linear Park, which it abuts, and the existing surrounding residential neighborhood. The building is largely not visible from many of the surrounding streets. In many instances, however, the removal of existing structures on the site will result in enhanced views of the Linear Park for many area residents.

(3) The location, arrangement, and landscaping of open space should provide some visual benefits to abutters and passerby as well as functional benefits to occupants of the development.

The landscaping is designed to create large areas of uninterrupted green open space that can be viewed by pedestrians and bicyclists in the Linear Park and the surrounding streets. A landscape plan is included as part of this application which highlights many of the proposed improvements.

(4) Parking areas, internal roadways and access/egress points should be safe and convenient.

Parking areas and driveways have been designed in a manner that will not allow vehicles to "cut through" the site. The circulation plan was also reviewed with the City's Traffic, Parking and Transportation (TPT) Department.

(5) Parking area landscaping should minimize the intrusion of onsite parking so that it does not substantially detract from the use and enjoyment of either the proposed development or neighboring properties.

Parking has been carefully sited at locations away from the Linear Park and at locations on the site that minimize any impact on the surrounding residential neighborhood.

(6) *Service facilities such as trash collection apparatus and utility boxes should be located so that they are convenient for residents, yet unobtrusive.*

There are two locations for trash storage which have been sited and designed to minimize any visual or other impact upon abutters. Both locations will be enclosed with a six foot fence and landscape screenings.

DIMENSIONAL FORM

Project Address: 33 Cottage Park Avenue

Application Date: 1/15/2013

| | Existing | Allowed or Required (max/min) | Proposed | Permitted |
|--------------------------------|--------------------|-------------------------------|-------------------|-----------|
| Lot Area (sq ft) | 130,079 | 5,000 | Unchanged | Yes |
| Lot Width (ft) | See Site Plan | 50' | Unchanged | Yes |
| Total Gross Floor Area (sq ft) | 34,365 | 83,528.57 | 83,067 | Yes |
| Residential Base | n/a | 64,252.75 | 64,027 | Yes |
| Non-Residential Base | 34,365 | n/a | n/a | |
| Inclusionary Housing Bonus | n/a | 19,275.82 | 19,040 | |
| Total Floor Area Ratio | 0.265 | 0.642 | 0.639 | Yes |
| Residential Base | n/a | 0.50 | 0.5 | |
| Non-Residential Base | 0.265 | n/a | n/a | |
| Inclusionary Housing Bonus | n/a | 0.15 | 0.15 | |
| Total Dwelling Units | 0 | 67 | 67 | Yes |
| Base Units | 0 | 51 | 51 | Yes |
| Inclusionary Bonus Units | 0 | 8 (inc) + 8 bonus = 16 Units | 16 total | |
| Base Lot Area / Unit (sq ft) | n/a | 2500 | 2500 | |
| Total Lot Area / Unit (sq ft) | n/a | 1941.4 | 1941.4 | |
| Building Height(s) (ft) | 30' | 40'/35'* | 40'/30' | Yes |
| Front Yard Setback (ft) | 0' (see site plan) | 15' | 52.9' | |
| Side Yard Setback – (ft) | Varies (see site) | 7.5' (sum 20) | Varies (see site) | |
| Side Yard Setback – (ft) | Varies (see site) | 7.5' (sum 20) | Varies (see site) | |
| Rear Yard Setback (ft) | n/a | n/a | n/a | |
| Open Space (% of Lot Area) | 32,649+/- | 52,031 (40%) | 64,776+/- | |
| Usable Open Space | NA | 26,016 (20%) | 44,075+/- | |
| Permeable Open Space | 32,649 +/- | 26,016 (20%) | 43,400+/- | |
| Other Open Space (Specify) | NA | n/a | NA | |
| Off-Street Parking Spaces | 66 | 67 | 71 | Yes |
| Bicycle Parking Spaces | 0 | 34 | 83 | Yes |
| Loading Bays | 0 | n/a | 0 | |

Use space below and/or attached pages for additional notes:

* 35' height limit within 50' of an abutting zone with a lower height req.