

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: 57 JFK St, Cambridge, MA 02138

Zoning District: Bus. B base and Harvard Square Overlay

Applicant Name: Crimson Galeria LP

Applicant Address: 166 Harvard St, Brookline, MA 02446

Contact Information: 617-312-6660      raj9634@gmail.com      617-232-1700  
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.*

Exempt basement gross floor area, parking waiver <80% of max development.

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

SP Narrative, SP Application Drawings

Signature of Applicant: 

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 \_\_\_\_\_

**OWNERSHIP CERTIFICATE**

**Project Address:**

**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: CRIMSON GALERIA LP  
at the following address: 57 JFK St, Cambridge, MA  
to apply for a special permit for: exempt basement FAR, exempt parking <80% of max development  
on premises located at: 57 JFK ST, Cambridge, MA  
for which the record title stands in the name of: CRIMSON GALERIA LP  
whose address is: 1299 Beacon St, Brookline, MA 02446

by a deed duly recorded in the:

Registry of Deeds of County: Middlesex Book: 28804 Page: 484

*OR* Registry District of the Land Court,  
Certificate No.: \_\_\_\_\_ Book: \_\_\_\_\_ Page: \_\_\_\_\_

Raj K. Dhande  
Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)

To be completed by Notary Public:

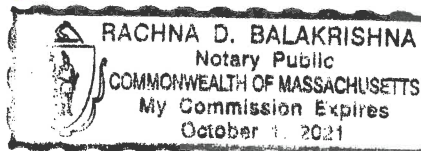
Commonwealth of Massachusetts, County of Norfolk

The above named Raj K. Dhande personally appeared before me,

on the month, day and year February 28, 2019 and made oath that the above statement is true.

Notary: Rachna D. Balakrishna

My Commission expires: October 1, 2021



**DIMENSIONAL FORM**

**Project Address:** 57 JFK ST

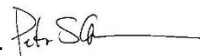
**Application Date:** 28 FEB 2019

	Existing	Allowed or Required (max/min)	Proposed	Permitted
Lot Area (sq ft)	14,504	NONE	14,504	
Lot Width (ft)	111.96	N/A	111.96	
Total Gross Floor Area (sq ft)	36,609	58,016	44,595 (<80% MAX)	
Residential Base	0		0	
Non-Residential Base	36,609		44,595 (<80% MAX)	
Inclusionary Housing Bonus	N/A	N/A	N/A	
Total Floor Area Ratio	2.52	4.0	3.07	
Residential Base	N/A	3.0	0	
Non-Residential Base	2.52	4.0	3.07	
Inclusionary Housing Bonus	N/A	N/A	N/A	
Total Dwelling Units	0	N/A	0	
Base Units	0	N/A	0	
Inclusionary Bonus Units	0	N/A	0	
Base Lot Area / Unit (sq ft)	0	N/A	0	
Total Lot Area / Unit (sq ft)	0	N/A	0	
Building Height(s) (ft)	± 29'-5"	60 BY - RIGHT	60	
Front Yard Setback (ft) JFK	0	NONE PER H50D	5.5	
Side Yard Setback FRONT WINTHROP (ft)	5.9		9.6	
Side Yard Setback OFF JFK (ft)	0.1 OVER		0.2	
Rear Yard Setback SIDE WINTHROP (ft)	7.8		3.7	
Open Space (% of Lot Area)	0	NONE	25	
Private Open Space	0	NONE	25	
Permeable Open Space	0	N/A	N/A	
Other Open Space (Specify)				
Off-Street Parking Spaces	0	0 PER § 20.54.4.2	0	
Long-Term Bicycle Parking	0	6	6	
Short-Term Bicycle Parking	0	1	1	
Loading Bays	0	0 PER § 20.54.4.2	0	

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

**57 JFK ST, CAMBRIDGE - Special Permit Application  
for a Basement Gross Floor Area Exemption  
and a Harvard Square Overlay District Parking and Loading Exemption**

Prepared by Peter Quinn AIA, Architect of Record for the Project  
20 February 2019



**Introduction**

This application seeks two Special Permits for the vertical expansion of the building at 57 JFK Street known as The Crimson Galeria. The first special permit would exempt from gross floor area calculations the basement portion of the existing building, as provided for in exclusion 16 from the definition of Gross Floor Area. The second, under section 20.54.4(2).a would exempt the proposed addition from parking and loading requirements by restricting the total development authorized on the site to less than eighty percent (80%) of the maximum permitted on the lot.

The proposed expansion of 57 JFK Street will add a 9,295 square foot third floor, a 8,090 square foot fourth floor<sup>1</sup>, and a 2,409 square foot mezzanine level. The new floors will step back from Winthrop Street, toward the existing five-story parking garage at 65 JFK Street, protecting views from Winthrop Square. The project will add approximately 18,100 net square feet of Class A office space to the supply-constrained Harvard Square area, and help to revitalize the existing retail space below.

**Background**

The existing building is located at the southwest corner of the intersection of JFK and Winthrop Streets. The site is in the Harvard Square Overlay District (HSOD); the base zoning is Business-B. Per Section 20.54.6, the maximum floor area ratio for an HSOD lot in the Business-B district is 4.0. All of the site's immediate neighbors also are in the HSOD. With the exception of Winthrop Square, with Open Space base zoning, all of the site's immediate neighbors also are in the Business-B district.

The current uses of the site are Retail Business and Consumer Service Establishments, which is are allowed by-right in the Business-B districts. These uses extend to the finished basement level. The current tenants include BonChon (Korean restaurant), Core Power Yoga, Maharaja Restaurant, Shake Shack, Staples, and Tom's Bao Bao (dumpling restaurant), with Veggie Grill, soon to open.

In 2015, the Planning Board, and prior to that the Historic Commission, approved the proposed vertical addition to the existing building. The addition will provide space for office or similar commercial uses, which are allowed by-right in the Business B districts. As part of the 2015 approval process, the Planning Board granted special permit PB#296 exempting

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<sup>1</sup> The fourth floor will comprise 6,390 square feet of general office space and a 1,700 square foot roof deck.

the proposed addition from parking and loading requirements. That decision was subject to several conditions, including the requirement of a cash contribution to the Harvard Square Improvement Fund in an amount equal to fifty percent (50%) of the cost of construction of the minimum number of parking spaces required based on the gross floor area of the proposed office use. In July of 2018, the Cambridge Community Development Department determined that the amount of this contribution would be \$48,250 per parking space, *i.e.*, \$916,750.

In January of 2016, the Cambridge City Council adopted Ordinance No. 1379, which authorized the Planning Board to exempt from gross floor area calculations any basement or cellar space that it finds supports the character of the neighborhood or district in which the applicable lot is located.<sup>2</sup>

In 2015, a proposal to create fifteen new dwelling units by vertically expanding the 16–18 Eliot Street building also was presented to the Planning Board. That proposal also received an exemption from parking and loading requirements for the proposed expansion, under PB#300. This application does not involve 16-18 Eliot Street (nor 96 Winthrop Street).

### **Support for Requested Special Permits**

#### ***1. Exclusion of the basement level from gross floor area calculations.***

The first requested Special Permit is an exemption from Gross Floor Area calculations of the basement portion of the existing building, as provided for in exclusion 16 from the definition of gross floor area. Exclusion 16 authorizes the Planning Board to grant such an exemption, provided that it finds that the uses occupying such exempted gross floor area support the character of the neighborhood or district.

The past, current, and anticipated future uses of the basement area support the character of Harvard Square. Current and past uses have been small retail shops, restaurants, and (historically) a theatre. The availability of basement level space provides a lower cost location for these businesses. In turn, their presence contributes to the vibrancy and character for which Harvard Square is known. These uses are consistent with the Harvard Square area and with the surrounding Business-B district. Today, a portion of the basement level is used by Staples. Use of this space lets Staples offer a wider variety of products and services to students and businesses from the Harvard Square area. The remainder of the basement space is occupied by BonChon (Korean restaurant), ~600 square feet of tenant common area, two small storage rooms, and the mechanical room for the building's elevator.

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<sup>2</sup> In 2018, the Planning Board granted such an exemption for the nearby Abbot Buildings project. That project will expand development on its site to 100% of the maximum allowed, after exclusion of basement areas from GFA calculations. The 57 JFK Street project will expand development on its site to ~77% of the maximum allowed, after exclusion of basement areas from GFA calculations.

As discussed below, granting the requested special permit will facilitate the proposed vertical expansion of the building. That will provide additional customers for the basement level businesses (and for other businesses in the surrounding Harvard Square area). Excluding the basement level from Gross Floor Area calculations will make it possible to build all of the proposed ~18,100 square feet of office space. The resulting increased revenue stream will enable the owner to continue to provide suitable, dry, and structurally sound basement space to smaller retail, restaurant, and other users that support the character of Harvard Square and the surrounding Business-B district.

**2. Exemption of vertical expansion from parking and loading requirements, with total authorized development reduced to less than 80% of the maximum permitted**

The second requested Special Permit is to exempt the proposed vertical expansion from parking and loading requirements. Section 20.54.4(2).a authorizes the Planning Board to grant such a special permit, provided that the following conditions are met:

- a. *The total development authorized on the site is reduced to eighty (80) percent of the maximum permitted on the lot;*

With the exclusion of the basement level from Gross Floor Area calculations, the proposed vertical expansion will increase the building's gross floor area to approximately 44,595 square feet (including the fourth floor deck). The lot has an area of 14,504 square feet, *i.e.*, the resulting floor area ratio will be approximately 3.07. The maximum FAR in Business-B districts within the Harvard Square Overlay District is 4.0. Hence, the authorized development will be approximately 77% of the maximum permitted on the lot.

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

The subject lot is already developed with an existing building, which has a footprint of approximately 12,310 square feet, and is to be retained. The proposed addition comprises three partial floors of office space, which will step back from Winthrop Street and have the appearance of several articulated volumes. This approach maintains the scale and character of the existing structure, while carefully adding development atop the roof, thereby contributing to the diversity of development patterns in Harvard Square.

- c. *The Planning Board shall specifically find that an exemption from parking and loading requirements will result in a building design that is more appropriate to its location and the fabric of its neighborhood and that it is in conformance with the objectives and criteria contained in Harvard Square Development Guidelines.*

The existing building cannot accommodate parking and loading without compromising the street-level experience of pedestrians on two frontages, and without sacrificing the basement level. The project is in conformance with the objectives and criteria of the Harvard Square Development Guidelines, including:

*i) Preserve the Square's architecturally and historically significant buildings and structures as well as those that contribute to the distinctive visual character and historic significance of the District.*

The existing building, which does not have any historical significance nor significant architectural character, will remain largely unchanged. The project will not alter the historic granite wall to the rear of the building. The adjacent, historically-significant Hasty Pudding building at 96 Winthrop Street (formerly the House of Blues) will be protected by ground-mounted bumper rails along the side alley. The proposed addition will be set well back from Winthrop Street at its closest proximity to the Hasty Pudding building, and the proposed massing provides a sensitive transition in height to this small, wood-framed structure. The Cambridge Historical Commission issued a Certificate of Appropriateness for the project on January 15, 2015.

*ii) Support creative, contemporary design for new construction that complements and contributes to the character of the district.*

The character of the surrounding context is highly varied, with a variety of historic, older, and modern buildings, as well as streets, squares, and alleys. The existing building has a modern appearance, and the new addition proposes a contemporary design aesthetic. The addition's design is intended to complement the architecture of the existing building while receding into the background of historic Winthrop Square.

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

The existing building is set to the street edge along JFK Street, which is generally consistent with streetwall building design in the vicinity. The proposed addition will reinforce the continuity of the JFK Street wall plane by aligning its facade with that of the adjacent parking garage.

The current sidewalk width will be maintained on Winthrop Street to enhance that pedestrian experience. The alley between the building and 96 Winthrop Street will continue to provide a visual break between the two properties. The addition of a new lobby, serving the new floors, at the Winthrop Street end of the alley will further activate the pedestrian experience in that area.

*iv) Expand the high quality public environment now established in the heart of the District with a compatible palette of materials and street furniture.*

The proposed exterior materials will provide a contemporary aesthetic, while subtly contrasting with the historic context of Harvard Square. The building envelop will retain the existing red brick base at the sidewalk. The existing facade will be reclad in gray high-density fiber cement, which has a stone-like visual quality. This will improve the condition and appearance of the existing structure. The upper floors will be clad in gray high-density fiber cement, with green zinc metal cladding on the top floors to reinforce the horizontal composition of the building.

The alley, which is currently used for trash and recycling, will be reconfigured to provide lobby, stair, and elevator access to the addition. The surface of the alley will be improved with the installation of red brick pavers. Access to the alley for pedestrians and bicyclists also will be enhanced.

- v) *Expand the network of pedestrian walkways and paths wherever they can conveniently provide alternate routes through the District.*

The grade change between the alley and the adjacent property to the south is nearly 10 feet, making an accessible pedestrian connection impossible. Nor does the site provide a desirable or convenient location for a midblock connection. The alley will be maintained with a minimum width of at least five feet, so as to not preclude a potential future connection should that opportunity arise. Planters will be installed on the property line at the Winthrop Street end to enhance the pedestrian experience, and as a deterrent to vehicles using the end of the alley for parking or loading.

- d. *No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and*

The existing building is not a National Register or contributing building.

- e. *No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.*

No National Register or contributing building has existed on the lot within the five years preceding the application.

### **Compliance with the General Special Permit Criteria**

The requested Special Permits satisfy the general Special Permit criteria of CZO Section 10.43, which provides that:



*...Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:*

*(a) It appears that requirements of this Ordinance cannot or will not be met, or ...*

With the requested special permits, the requirements of the Ordinance will be met.

*(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...*

The City maintains Winthrop Street as a shared street for pedestrian, bicycle, and motor vehicle traffic, which is closed to motorized vehicles between 11:00 a.m. and 2:00 a.m. daily. Although the sidewalk area along the building's Winthrop Street facade is a fire lane, unauthorized parking and loading activity occurs in that area. The applicant has agreed to install non-moveable planters or other physical elements on its property along the Winthrop Street line to prevent this unauthorized activity.

The proposed special permit will not change the existing patterns of activity along Winthrop Street or elsewhere in the vicinity.

*(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...*

The continued use of the basement level for retail, restaurant, and other small-scale commercial uses is not expected to adversely impact the operation of adjacent uses that exist or allowed under current zoning. Nor would the use of the proposed addition for office use be expected to have such adverse impacts. Rather, the office tenants are expected to frequent retail, restaurant, and other uses in the vicinity, contributing to the vitality of this area of Harvard Square.

*(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, or ...*

Excluding the basement area from gross floor area calculations will not create any nuisance or hazard.

The proposed office use of the addition is not expected to cause any nuisance or hazard. The mechanical equipment for the addition will be installed on a portion of the roof of the existing second floor. All equipment will be selected, located, and screened so as to not adversely impact the abutting properties or members of the public using Winthrop Street or Winthrop Park. Any relocated kitchen exhausts will be properly screened to avoid exhaust or mechanical noise impacts to abutting properties. All mechanical equipment will comply fully with the City's Noise Ordinance.

*(e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...*

Granting the requested special permits would not impair the integrity of the Harvard Square Overlay District, the underlying Business B district, or any adjoining district. The proposed office use of the addition is consistent with the intent of the zoning requirements for the Harvard Square Overlay District, the underlying Business B district, and other applicable citywide requirements.

*(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.*

Exclusion of the basement level from gross floor area calculations will not involve any new uses or building construction.

**Support that the Proposed Addition is Consistent with the Urban Design Objectives as set forth in Section 19.30:**

*(19.31) New projects should be responsive to the existing or anticipated pattern of development.*

The project fits within the context of nearby building heights and existing street walls. The addition's JFK Street facade will align with the existing building's street wall, and connect visually to the taller parking garage immediately to the south. The addition's Winthrop Street facade will step back further at each level from Winthrop Street, preserving views from Winthrop Park. The massing of the addition also is sensitive to the transition in height from the adjacent, smaller Hasty Pudding building.

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

The project is principally an addition atop an existing two-story building. Repurposing the alley from trash and recycling storage to include a new lobby for the addition will improve the building's interface with Winthrop Street, as will the installation of physical barriers to prevent vehicles from parking or loading on the property adjacent to Winthrop Street. Secure bicycle storage will be provided in the alley.

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

All rooftop mechanical equipment will be selected, located, and screened so as to not adversely impact the abutting properties or members of the public using

Winthrop Street or Winthrop Park, and will comply fully with the City's Noise Ordinance.

Trash will be stored behind the new lobby, to the rear of the alley. To ensure that noise, odor, and visual impacts of trash storage are managed appropriately, food waste and recycling compactors will be used.

Shadow impacts on Winthrop Park have been minimized. Shadow increases at the spring and fall equinoxes will be marginal and are not expected to have a significant adverse impact on the use or enjoyment of the park.

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

The project will not cause a burden on City infrastructure.

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

The project complies with the general development guidelines for the Harvard Square Overlay District. It will reinforce and enhance the diverse development patterns of this area of Cambridge. It does not involve the demolition or alteration of any historical or architecturally significant structures.

*(19.36) Expansion of the inventory of housing in the city is encouraged.*

The project does not include a residential component.

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

The project is the vertical expansion of an existing, two-story building, and will neither create nor remove open space. The project will preserve the open area adjacent to Winthrop Street next to the building, and will add physical barriers to vehicles using that space. This space contributes to the shared street nature of Winthrop Street, and serves as a publicly-accessible area for outdoor seating.

The stepped massing of the proposed addition will create an uncluttered backdrop to the adjacent Winthrop Park, without visually intruding on this important passive recreation and historic open space.

*The narrative was prepared with the assistance of Charles N. Le Ray, Attorney & LEED AP of Dain, Torpy, Le Ray, Wiest & Garner, P.C.*