

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2019 JUL 15 PM 6:29
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	296 Amendment #1
Address:	57 JFK Street
Zoning:	Business B / Harvard Square Overlay District
Applicant:	Crimson Galeria, LP 166 Harvard St., Brookline, MA
Owner:	Crimson Galeria, LP 1299 Beacon Street, Brookline, MA 02446
Application Date:	March 28, 2019
Date of Planning Board Public Hearing:	April 23, 2019; July 9, 2019
Date of Planning Board Decision:	July 9, 2019
Date of Filing Planning Board Decision:	July 15, 2019

Application: Amendment to previously granted Special Permit Decision to exempt the existing basement area, a total of 12,310 square feet, from the calculation of Gross Floor Area (GFA) pursuant to the definition of GFA in Article 2.000 of the Zoning Ordinance; and to delete Condition #4 of such Decision requiring a cash contribution per Section 20.54.4 of the Zoning Ordinance as the resulting GFA would be less than 80% of the maximum GFA allowed by zoning.

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: Swaathi Joseph

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application submitted on March 28, 2019, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Project Narrative, plan set entitled 57 JFK Street – Exemption of Basement Gross Floor Area & Parking Waiver prepared by Peter Quinn Architects, dated 02/28/2019.

City of Cambridge Documents

2. Memorandum to the Planning Board from Community Development Department staff, dated 4/17/2019.
3. Letter to the Planning Board from Nancy E. Glowa, City Solicitor, dated 6/18/2019.

Other Documents

4. Letter to the Planning Board from the Marilee Boyd Meyer, dated 4/18/2019.
5. Email communication to the Planning Board from Denise Jillson, Executive Director, Harvard Square Business Association dated 4/23/2019.

APPLICATION SUMMARY

In a July 21, 2015 decision issued on July 30, 2015 (“Original Decision”) the Planning Board approved a proposal to construct a three-story office addition for office uses atop the existing two-story building with the existing basement occupied by retail and restaurant uses resulting in the addition of approximately 18,351 square feet of net new GFA to the existing 42,996 square feet on the lot, with no new parking or loading facilities proposed. The Planning Board granted the special permit to waive parking and loading requirements in the Harvard Square Overlay District pursuant to Section 20.54.4 for the addition, with conditions that included a requirement to make a cash contribution to the Harvard Square Improvement Fund. The current application seeks an additional special permit to exempt the existing basement area, a total of 12,310 square feet, from the calculation of Gross Floor Area (GFA) pursuant to the definition of GFA in Article 2.000 of the Zoning Ordinance. The resulting GFA on the lot would be less than 80% of the maximum GFA allowed by zoning. Because Section 20.54.4 does not require a cash contribution if development is reduced to less than 80% of what is allowed on the lot, the applicant seeks to amend the original special permit to delete the condition requiring the contribution. The requested special permits are discussed in detail in the Findings below.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Definition of Gross Floor Area (Article 2.000)

The Zoning Ordinance allows that the definition of Gross Floor Area may be modified by special permit as set forth below.

Gross Floor Area shall not include: ...

- (15) Any basement or cellar living space in any single-family or two-family home.*
- (16) Any basement or cellar living space in any other type of structure with the issuance of a special permit. In granting such a special permit, the permit granting authority may approved [sic] the exemption of any portion of Gross Floor Area (GFA) located in a basement or cellar from the calculation of GFA, provided the permit granting authority finds that the uses occupying such exempted GFA support the character of the neighborhood or district in which the applicable lot is located.*

The project is designed such that retail uses span multiple floors providing lower cost location for businesses at the basement level. The Board finds the uses proposed for the basement area of the project to be generally consistent with the character of the neighborhood for commercial ground floors.

The Board also finds that once the basement GFA is exempted from the calculation of GFA the total development authorized on the site is reduced to less than eighty (80) percent of the maximum permitted on the lot.

2. General Criteria for Issuance of a Special Permit (Section 10.43)

As it had in the Original Decision, the Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 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 ...*

Upon granting of the requested special permits, it appears that 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 ...

No changes are proposed to the previously approved project design.

(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 ...

No changes are proposed to the previously approved uses for this project.

(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 ...

No changes are proposed to the previously approved project design.

(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 ...

No changes are proposed to the previously approved uses for this project.

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

The Board finds no inconsistency with the citywide urban design objectives and no changes are proposed to the previously approved uses and building design.

DECISION


Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Amendments¹ to the Special Permit Decision issued July 30, 2015 (“Original Decision”) subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. Floor area totaling 12,310 square feet located at the basement level shall be excluded from the calculation of Gross Floor Area (GFA) on the lot pursuant to the definition of GFA set forth in Article 2.000 of the Zoning Ordinance. Appendix I sets forth the revised dimensional characteristics of the development authorized by Special Permit PB-296.
2. As the resulting GFA on the lot is less than 80% of the total GFA allowed by zoning, as set forth in Appendix I, the Permittee is no longer required to make a cash contribution to the Harvard Square Improvement Fund established by the City of Cambridge as set forth in Condition 4 of the Original Decision.
3. All other Conditions set forth in the previously granted Special Permit Decision PB #296, issued July 30, 2015, attached to this Special Permit Decision, shall continue to apply.

¹ This amendment is only for 57 JFK Street parcel and does not include 96 Winthrop Street parcel that was included in the original special permit.

Voting in the affirmative to approve the Special Permit Amendment were Planning Board Members Louis Bacci, Jr., Steven Cohen, H Theodore Cohen, Mary Flynn, Hugh Russell and Corinne Espinoza, appointed by the Vice 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,

A handwritten signature in black ink, appearing to read "H Theodore Cohen". The signature is fluid and cursive, with a long horizontal stroke at the end.

H Theodore Cohen, Vice Chair.

A copy of this decision PB #296 Amendment #1 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 accurate copy of the above decision has been filed on July 15, 2019, with the Office of the City Clerk by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:
_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	14,504 ⁵	No minimum	No change	No change
Lot Width (ft)	111.96	No minimum	No change	No change
Total GFA (sq ft)	36,609	58,016	44,595	44,595 ¹
Residential Base	0	0	0	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	36,609	58,016	44,595	
Inclusionary Bonus	N/A	N/A	N/A	
Total FAR	2.52	4.0	3.07	Consistent with Application Documents and applicable zoning requirements
Residential Base	0	N/A	0	
Non-Residential Base	2.52	4.0	3.07	
Inclusionary Bonus	N/A	N/A	N/A	
Total Dwelling Units	None	None	None	None
Height (ft)	29.5 (approx.)	60 by right 80 by SP	60	Consistent with Application Documents and applicable zoning requirements
Front Setback – JFK St (ft)	None	None	Per plans ²	
Front Setback – Winthrop (ft)	5.9	None	Per plans ²	
Side Setback – JFK St (ft)	0	None	Per plans ²	
Side Setback – Winthrop (ft)	7.8	None	Per plans ²	
Open Space (% of Lot Area)	None	No minimum	25%	Consistent with Application Documents and applicable zoning requirements
Private Open Space	None	No minimum	25%	
Permeable Open Space	N/A	N/A	N/A	
Off-Street Parking Spaces	None	See below ³	None ³	None ³
Long-Term Bicycle Parking	None	6	6	Consistent with Application Documents, PTDM and other applicable requirements
Short-Term Bicycle Parking	None	2	See below ⁴	
Loading Bays	None	See below ³	See below ³	

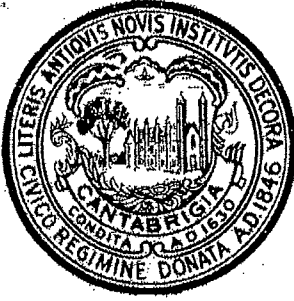
¹ Addition of 18,351 square feet is permitted; 18,596 square feet is limited to office use. 12,310 square feet of floor area located at the basement level is excluded from the calculation of GFA.

² Existing setbacks to remain for existing building; additional setbacks provided for upper-floor addition.

³ The Planning Board waives parking and loading requirements pursuant to Section 20.54.4, subject to the conditions of this Special Permit.

⁴ Short-term bicycle parking requirements shall be fulfilled by making a bicycle parking fund contribution to the City per Section 6.104.2(b).

⁵ The lot area is lower than the lot area in the original special permit as this amendment is only for 57 JFK Street parcel and does not include 96 Winthrop Street parcel that was included in the original special permit.



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NOTICE OF DECISION

OFFICE OF THE CITY CLERK,
CAMBRIDGE, MASSACHUSETTS

Case Number:	296
Address:	57 JFK Street
Zoning:	Business B / Harvard Square Overlay District
Applicant:	Crimson Galeria, LP 57 JFK Street, Cambridge, MA
Owner:	Crimson Galeria, LP 1299 Beacon Street, Brookline, MA 02446
Application Date:	February 3, 2015
Date of Planning Board Public Hearing:	February 17, 2015
Date of Planning Board Decision:	July 21, 2015
Date of Filing Planning Board Decision:	July 30, 2015

Application: Exemption from Parking and Loading Requirements in the Harvard Square Overlay District (Section 20.54.4) for construction of a three-story office addition (resulting in approximately 18,596 square feet of new office Gross Floor Area) to an existing two-story retail building.

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 7/30/15.*

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application submitted by Crimson Galeria LP and filed with the City Clerk on February 3, 2015, including cover sheet, ownership certificate, fee schedule, dimensional tables, narrative, and attached project plans, drawings and other graphics prepared by Peter Quinn Architects.
2. Remarks by Raj Dhanda submitted February 17, 2015.
3. Letter to the Cambridge Planning Department from Raj Dhanda, Crimson Galeria LP, concerning management and operations on Winthrop Street, dated May 19, 2015.
4. Memo to the Planning Board from Peter Quinn, Peter Quinn Architects, dated May 20, 2015, with attached revised project plans, drawings and other graphics.
5. Request for continuation of the Planning Board case from Peter Quinn, Peter Quinn Architects, dated June 3, 2015.
6. Letter to Joseph Barr, Director of Traffic, Parking and Transportation, from Rachna D. Balakrishna, Esq., on behalf of Crimson Galeria LP, dated July 20, 2015.
7. Presentation delivered to the Planning Board on July 21, 2015.

Other Documents

8. Certificate of Appropriateness from the Cambridge Historical Commission dated January 15, 2015.
9. Letter to the Planning Board from Denise Jillson, Executive Director, Harvard Square Business Association, dated February 12, 2015, with attached photograph.
10. Memo to the Planning Board from Monica R. Lamboy, Interim Director, Traffic, Parking and Transportation Department, dated February 12, 2015.
11. Memo to the Planning Board from Jeff Roberts, Land Use and Zoning Planner and Suzannah Bigolin, Urban Design Planner, Community Development Department, dated February 13, 2015.
12. Letter to the Planning Board from Kari Kuelzer, Chair, Winthrop Park Trust, dated February 17, 2015.
13. Letter to the Planning Board from Carole L. Perrault, dated February 17, 2015.

14. Memo to the Planning Board from Joseph E. Barr, Director, Traffic, Parking and Transportation Department, dated July 15, 2015.
15. Memo to the Planning Board from Jeff Roberts, Land Use and Zoning Planner and Suzannah Bigolin, Urban Design Planner, Community Development Department, dated July 15, 2015.
16. Notice of Extension of Time for filing the Planning Board Decision to July 31, 2015, filed with the City Clerk on June 17, 2015.
17. Letter to the Planning Board from John P. DiGiovanni, President, Trinity Property Management, dated July 21, 2015.
18. Photos, articles and other documents submitted by hand to the Planning Board by Adrian Landsman on July 21, 2015.

SUMMARY OF APPLICATION

The existing lot contains a two-story structure (with basement) occupied by retail and restaurant uses with a common interior atrium. The proposal is to construct a three-story addition atop the roof of the existing structure, to be occupied by office uses. The new office addition would be entered by way of a new exterior entrance with lobby, stair and elevator accessed from Winthrop Street. The form of the addition would step back from the Winthrop Street frontage successively at each floor in order to preserve sky views from the adjacent Winthrop Park.

The addition would add approximately 18,351 square feet of net new Gross Floor Area to the lot, and would involve the alteration of approximately 245 square feet of Gross Floor Area in the existing building, for a total of approximately 18,596 square feet of new office uses. The total Gross Floor Area on the lot would increase from approximately 42,996 square feet to approximately 61,347 square feet.

The proposal does not trigger any size thresholds for project review, but seeks a special permit to approve a waiver of parking and loading requirements in the Harvard Square Overlay District pursuant to Section 20.54.4 of the Zoning Ordinance. No new parking or loading facilities are proposed to be created. The proposal sought and received a Certificate of Appropriateness from the Cambridge Historical Commission.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Exemption from Parking and Loading Requirements in the Harvard Square Overlay District (Section 20.54.4)

Section 20.54.4 provides that for uses contained in new structures or new additions to structures built after June 1, 1940, the requirements for parking and loading may be waived after issuance of a special permit by the Planning Board provided that the following findings are made.

a. *The total development authorized on the site is reduced to eighty (80) percent of the maximum permitted on the lot; or a cash contribution is made to the Harvard Square Improvement Fund to be established by the City of Cambridge in an amount equal to fifty (50) percent of the cost of construction of the spaces not provided, said contribution to be used by the City of Cambridge for one or more of the following capital improvements in the Harvard Square Overlay District:*

- (1) Provision of public parking, preferably for short term users;*
- (2) Improvements to public parks, or restoration of historic structures, monuments and other features owned by the City of Cambridge or other public agency or a nonprofit organization;*
- (3) Extension throughout the Harvard Square Overlay District of the surface improvements installed by the MBTA as part of the Red Line subway extension (brick sidewalks, light post, street furniture, etc.)*

The Harvard Square Advisory Committee shall receive and make comments on any proposal for the expenditure of such cash contributions. To the extent practicable the provision of public parking facilities shall be the first priority of any expenditure. The funds shall not be used for ordinary maintenance activities normally undertaken by the City of Cambridge.

The value of the cash contribution shall be determined by the Community Development Department assuming equivalent structured parking spaces and using generally accepted cost estimation methods customarily used by architects and engineers or using actual construction costs for comparable contemporary parking construction in Cambridge.

The total development proposed would exceed 80% of the development allowed on the lot (totaling approximately 88%), and therefore a cash contribution shall be required in accordance with the requirements set forth above.

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 some 12,600 square feet, and is to be retained. The proposed addition comprises three

floors of office space, which 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 additional 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 Planning Board finds that the design of the proposed building addition benefits from an exemption from parking and loading requirements as the existing building cannot accommodate such activities without compromising the street-level experience of pedestrians on two frontages. In reaching this finding and in deciding to grant the special permits requested by the Applicant, the Planning Board has considered and been guided by the objectives and criteria contained in the Harvard Square Development Guidelines, including but not limited to the following.

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

While the existing building will remain largely unchanged, it does not have any historical significance, nor does it have any significant architectural character. There is an historic granite wall to the rear of the building, which is not proposed to be altered as part of this Application. The historically significant Hasty Pudding building at 96 Winthrop Street, which adjoins the site to the northwest, will be protected by floor-mounted bumper rails along the side alley. Furthermore, the proposed addition is set back well from the Winthrop Street edge at its closest interface with 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 structure has a modern appearance and the new addition proposes a contemporary design aesthetic, which is intended to complement the architecture of the existing building, and also recede 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, which is generally consistent with streetwall buildings within the district. The proposed addition will reinforce the continuity of the JFK Street wall plane by aligning its façade with the adjacent parking garage. The project also maintains and enhances the continuity of active, ground floor facades on both JFK and Winthrop Streets.

The sidewalk width will be maintained on Winthrop Street to enhance the pedestrian experience. The alley, which is located down the northwest side of the building, will not be fully built out, and thus will provide a useful break between buildings and visual interest.

- 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 exterior materials palette provides a contemporary aesthetic, which subtly contrasts with the historic context of Harvard Square. The building envelope retains the existing red brick base at the sidewalk, and provides a new storefront window system and recladding of the existing façade in gray high-density fiber cement, which has a stone-like quality. Such changes to the existing building will greatly improve the condition of this existing structure. The upper floors will be clad in gray high-density fiber cement, with green zinc metal cladding on the top floors reinforcing 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 office addition. The surface of the alley will be improved with the installation of red brick pavers, and access for pedestrians and bicyclists will also be enhanced.

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

While an alley is available on site, due to a grade change of nearly 10 feet with the adjoining property to the south, an accessible pedestrian connection is not possible. Furthermore, the Planning Board found that the site does not provide a desirable or convenient location for a midblock connection. It is however noted that the proposal maintains a five-foot wide access down the alley, and does not preclude a potential connection in the future should that opportunity arise. In addition, planters installed on the property line will enhance the pedestrian experience on Winthrop Street.

- 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 on the lot, which is proposed to be altered, 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.

2. General Criteria for Issuance of a Special Permit (10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 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 permit, 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 ...*

In the public hearing, abutters raised concerns related to existing patterns of activity along Winthrop Street, which is maintained by the City as a shared street allowing pedestrian, bicycle and motor vehicle travel, but which by City policy is closed to motorized vehicles between 11:00 A.M. and 2:00 A.M. daily. In particular, concerns were raised that unauthorized parking and loading activity tend to occur frequently in the paved area adjacent to the building on the Winthrop Street side, which is a fire lane and not authorized for parking or loading.

The proposed development will not necessarily worsen this condition. Nevertheless, the Board believes that it is appropriate to mitigate such activity and has therefore incorporated conditions into this Special Permit that have been recommended by the City's Traffic, Parking and Transportation Department (TP&T) and that are meant to discourage such activity from occurring in the future. At the public hearing, the Applicant agreed to such conditions.

- (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 proposed office use is not expected to impact the operation of adjacent uses that exist or are allowed under current zoning.

- (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 ...*

The Board heard concerns during public testimony about the potential for exterior mechanical equipment to cause adverse impacts on abutting uses. Particular concerns were raised about the visual or noise impact of consolidating mechanical equipment atop the second floor of the building where it is adjacent to Winthrop Park, and about the potential for relocated kitchen exhaust to deposit grease on abutting properties. The Board has incorporated conditions into this Special Permit intended to further study and mitigate such potential nuisances. Additionally, all development will comply with applicable health and safety codes.

- (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 ...*

The proposed use and development are consistent with the intent of the zoning requirements for the 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.*

The Board finds that the proposed project is consistent with the Urban Design Objectives set forth in Section 19.30, as described below.

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

As discussed above in these Findings, the project fits well within the context of nearby building heights and existing street walls. The additional floors to be added to the building will be set back well from Winthrop Street and Winthrop Park, while the JFK Street façade complements the massing and height of the adjacent four-story parking garage. The massing of the new addition also creates a sensitive transition in height to the small-scale Hasty Pudding building.

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

While the project is principally an addition of three floors of office space atop the roof of the existing building, the first and second floors of the existing building will be re-clad and new storefronts will be installed. This will greatly improve the public realm, particularly the interface of the building with the Winthrop Street shared street and

Winthrop Park. The ground floor of the building will continue to be highly transparent and actively inhabited by retail and restaurant uses. The upper floors will also be highly transparent and rooftop decks will be accessible to workers and provide for additional views of nearby public spaces. The new office lobby will be conveniently accessed via the alley, and long-term bicycle storage will also be provided in this location, which promotes usage and affords security.

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

Rooftop mechanicals are proposed to be sufficiently organized, and recessed or screened by either plantings or metal louvers, primarily on the third floor, with a lesser number of mechanical units proposed on the fourth floor. All rooftop mechanical units will be clad in high quality materials to harmonize with the architectural expression of the building. Rooftop appurtenances will also be set back from the façades to reduce their visual impact from public streets and spaces, particularly Winthrop Square.

Trash will be discreetly stored behind the new lobby, to the rear of the alley. In order to ensure noise, odor and visual impacts are managed appropriately, food-waste and recycling compactors, as well as vertical balers will be utilized. The Applicant also proposes to install a snow-melting system for the entire alley to maintain access to these facilities during winter months.

As indicated in the shadow studies that were provided with the revised materials dated May 14, 2015, shadow impacts on Winthrop Park have been minimized, and only marginal shadow increases are shown to occur at the spring and fall equinoxes. Such minor increases are not expected to have a significant impact on the use or enjoyment of the park.

As stated above in these Findings, the Planning Board heard testimony from abutters raising concerns about potential mechanical noise and exhaust from kitchen vents, as well as unauthorized parking and loading activity on Winthrop Street, and has incorporated conditions into this Special Permit intended to further study and mitigate such impacts.

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

The scale of the project is not expected to cause a burden on City infrastructure. All development will be subject to further review by the Department of Public Works.

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

As discussed above in these Findings, the project complies with the general development guidelines for the Harvard Square Overlay District and reinforces and enhances the

diverse development patterns of this area of Cambridge. In addition, the project does not involve demolition or alteration of any historical or architecturally significant structures.

Changes to the ground floor façades through new storefront windows assist with articulation and create more vertical rhythm and a human scale, which is in keeping with the commercial storefront character of Harvard Square. The fiber cement panel sizes, shapes, and attachment methods will provide a human-scaled dimension and visual interest, which is characteristic of the architectural character of Harvard Square.

(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.

As the project is an addition above an existing two-story building, the project will neither create nor remove open space. The project does preserve an open area adjacent to Winthrop Street in front of the building, which contributes to the shared street nature of Winthrop Street, and will also serve as a publicly accessible area that provides for outdoor seating.

As the site is adjacent to Winthrop Park, the Board heard from residents about potential visual and acoustical impacts on this important public open space. The Board found that the stepped massing of the proposed addition will create an uncluttered backdrop to this important passive recreation and historic open space.

DECISION

Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents dated February 3, 2015, and all supplemental documents and information submitted by the Applicant to the Planning Board as referenced above. Appendix I summarizes the dimensional features of the project as approved.
2. The Board approves the proposed addition to be occupied by office uses only. Any retail or other uses proposed to occupy the proposed new addition shall not be allowed except after granting of an amendment to this Special Permit by the Planning Board.
3. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for the project, 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 CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.

In particular, CDD shall review and approve the screening proposed for any mechanical systems prior to issuance of a building permit.

4. In accordance with Section 20.54.4, Paragraph 2, Subparagraph a. of the Zoning Ordinance, the Permittee shall make a cash contribution to the Harvard Square Improvement Fund established by the City of Cambridge in an amount equal to fifty (50) percent of the cost of construction of the minimum number of parking spaces required based on the Gross Floor Area of the proposed office use. The funds shall be used by the City of Cambridge in accordance with that section of the zoning, and as set forth therein, the Harvard Square Advisory Committee shall receive and make comments on any proposal for the expenditure of such cash contributions, and the value of the cash contribution shall be determined by the Community Development Department assuming equivalent structured parking spaces and using generally accepted cost estimation methods customarily used by architects and engineers or using actual construction costs for comparable contemporary parking construction in Cambridge. Such payment shall be made and certified prior to issuance of a building permit for construction authorized by this Special Permit.
5. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code). Furthermore, the Permittee shall be required to provide an engineering assessment of the mechanical

equipment that is proposed to be installed, maintained, relocated or replaced as part of the proposed project development, and shall engage a qualified consultant approved by the City to conduct a peer review of that engineering assessment in order to certify, as a minimum, the following:

- a. The accumulation of mechanical equipment shall not create any violation of the Noise Ordinance.
- b. All kitchen exhaust is located and appropriately screened so as not to cause nuisance to abutting properties.
- c. All mechanical equipment is otherwise optimally selected, located and screened so as not to adversely impact the abutting properties and the members of the public using the adjacent street or park.

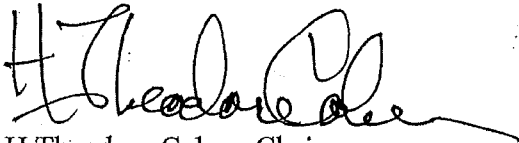
Such assessment and peer review shall be certified by CDD staff prior to issuance of a building permit for construction authorized by this Special Permit. CDD staff may present the results of the assessment and peer review to the Planning Board for review and comment as a matter of general business, and shall specifically do so in the event that the final arrangement of mechanical equipment results in substantial design changes to the proposed development.

6. Parking and loading shall not be allowed on the lot in the area between the building and the Winthrop Street right of way. As recommended in the Memorandum from the Traffic, Parking and Transportation Department dated July 15, 2015, prior to the issuance of a Building Permit, the applicant shall install non-movable planters or other physical elements on the lot to designate the property line along Winthrop Street, to physically prevent motor vehicle parking adjacent to this building. The design and exact placement of these planters/elements shall be subject to initial review and approval by TP&T and CDD staff and by the Department of Public Works as applicable, as shall any subsequent minor modifications to those designs and placement. However, removal of such planters/elements shall not be allowed unless this Special Permit is amended by the Planning Board.
7. Also as recommended by TP&T, the Permittee shall implement or require in tenants' leases the following Transportation Demand Management (TDM) measures. TP&T shall certify that such measures have been satisfactorily guaranteed prior to issuance of a Certificate of Occupancy for development authorized by this Special Permit.
 - a. Either install a real-time multimodal transportation display screen in a permanent and central location to show arrival times and availability for nearby buses, trains, shuttles, Hubway bikes, and carshare vehicles, etc., or establish a transportation information center located in an area that is central, visible, convenient, and equally accessible to all employees of the 57 JFK building. An information center shall feature information on:
 - i. Available pedestrian and bicycle facilities in the vicinity of the Project site;
 - ii. MBTA maps, schedules, and fares;
 - iii. Hubway regional bikeshare system;
 - iv. Carsharing;

- v. Ride-matching; and,
 - vi. Other pertinent transportation information.
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- b. Provide 50% subsidy of MBTA monthly Link passes to full-time employees.
 - c. Provide Hubway membership (minimum Gold Level) for employees that select to become Hubway members.
 - d. Provide corporate membership paid by the employer at a local carshare company to allow employees to use a carshare vehicle for work-related trips during the day instead of needing to drive private vehicles to work.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members Louis Bacci, H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Hugh Russell, Tom Sieniewicz, and Associate Member Thacher Tiffany, 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,



H Theodore Cohen, Chair.

A copy of this decision PB #296 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 30, 2015, 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: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	17,357	No minimum	No change	No change
Lot Width (ft)	111.96	No minimum	No change	No change
Total GFA (sq ft)	42,996	69,428	61,347	61,347 ¹
Residential Base	0	0	0	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	42,996	69,428	61,347	
Inclusionary Bonus	N/A	N/A	N/A	
Total FAR	2.48	4.0	3.5	Consistent with Application Documents and applicable zoning requirements
Residential Base	0	0	0	
Non-Residential Base	2.48	4.0	3.5	
Inclusionary Bonus	N/A	N/A	N/A	
Total Dwelling Units	None	None	None	None
Height (ft)	26 (approx.)	60 by right 80 by SP	60	Consistent with Application Documents and applicable zoning requirements
Front Setback – JFK St (ft)	None	None	Per plans ²	
Front Setback – Winthrop (ft)	4.3	None	Per plans ²	
Side Setback – JFK St (ft)	0	None	Per plans ²	
Side Setback – Winthrop (ft)	2.5	None	Per plans ²	
Open Space (% of Lot Area)	None	No minimum	21%	Consistent with Application Documents and applicable zoning requirements
Private Open Space	None	No minimum	21%	
Permeable Open Space	N/A	N/A	N/A	
Off-Street Parking Spaces	None	See below ³	None ³	None ³
Long-Term Bicycle Parking	None	6	6	Consistent with Application Documents, PTDM and other applicable requirements
Short-Term Bicycle Parking	None	2	See below ⁴	
Loading Bays	None	See below ³	See below ³	

¹ Addition of 18,351 square feet is permitted; 18,596 square feet is limited to office use.

² Existing setbacks to remain for existing building; additional setbacks provided for upper-floor addition.

³ The Planning Board waives parking and loading requirements pursuant to Section 20.54.4, subject to the conditions of this Special Permit.

⁴ Short-term bicycle parking requirements shall be fulfilled by making a bicycle parking fund contribution to the City per Section 6.104.2(b).