



CITY OF CAMBRIDGE RECEIVED BY MASSACHUSETTS

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PLANNING BOARD

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CITY HALL ANNEX, 57 INMAN STREET, MA, CAMBRIDGE 02139

Notice of Decision

Major Amendment

CASE No: PB 60

PREMISES: 2440 Massachusetts Avenue

ZONING DISTRICT: Business C-1 and Industry A-1

PETITIONER: Edward J. Boyle

APPLICATION DATE: October 7, 1986

DATE OF HEARING: December 2, 1986

PETITION: Major amendment to allow all access to the approved development at 2440 Massachusetts Avenue and from the approved development at 2456 Massachusetts Avenue to exit via a single entrance/exit point on the lot at 2440 Massachusetts Avenue onto Massachusetts Avenue and to close the approved exit at Tyler Court.

DATE OF MAJOR AMENDMENT PUBLIC HEARING: January 19, 1988

DATE OF MAJOR AMENDMENT DECISION: February 2, 1988

DATE OF FILING MAJOR AMENDMENT: Febraury 5, 1988

Decision: (summary) granted with conditions

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws Chapter 40A, and shall be filed within twenty (20) days after the date of filing of the above referenced decision with the City Clerk.

Copies of the complete decision and final plans, if applicable, are on file with the office of hte Community Development Department, and the City Clerk.

February 5, 1988

Elizabeth J. Mullenbart

Authorized Representative to the Planning Board



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

MAJOR AMENDMENT

CASE NO.: P.B. #60
PREMISES: 2440 Massachusetts Avenue
ZONING DISTRICT: Business C-1 and Industry A-1
PETITIONER: Edward J. Boyle
DATE OF DECISION: February 19, 1987
DATE OF PUBLIC HEARING ON MAJOR AMENDMENT: January 19, 1988
DATE OF MAJOR AMENDMENT DECISION: February 2, 1988
DATE OF FILING MAJOR AMENDMENT: February 5, 1988

Documents Submitted

1. Revised garage floor plans showing the combined layout for permits #60 and #75 with a widened garage portal for full access onto Massachusetts Avenue; Tsoi, Kobus, architects; dated November, 1987.
2. Letter to the Planning Board from Olivia Golden, North Cambridge Stabilization Committee, dated January 19, 1988.

The Proposed Amendment

The request is to permit all access to the approved development at 2440 Massachusetts Avenue and from the approved development at 2456 Massachusetts Avenue to exit via a single entrance/exit point on the lot at 2440 Massachusetts Avenue onto Massachusetts Avenue and to close the approved exit at Tyler Court.

Public Hearing

A public hearing was held on January 19, 1988. Mr. Boyle indicated that the current request is in response to the successful entreaties of the Planning Board that he and the abutting developers coordinate the design of their respective developments to minimize the number of vehicular entry points to them and to otherwise improve the design of their closely linked projects. As legal issues have significantly complicated the use of Tyler Court the two projects can only proceed in the near future if Massachusetts Avenue is used as both entrance and exit. In Decision #75 the Planning Board previously granted the applicant the right to enter and exit via the Massachusetts Avenue portal of the development authorized at 2440 Massachusetts Avenue.

The Board was in receipt of a letter from the North Cambridge Stabilization Committee indicating opposition to the granting of the Major Amendment pending the release of the Trolley Square traffic study being undertaken by the Community Development Department (an April completion is anticipated). Michael Brandon of Seven Pines Avenue also expressed his opposition to the granting of the Amendment as there is no public benefit derived from allowing the less desirable traffic pattern to occur.

Findings

1. While Tyler Court has been identified as the best exiting point for this development by the City of Cambridge Traffic and Parking Department, that Department has found that the proposed alternative of entering and exiting from Massachusetts Avenue only is acceptable provided the cost of any measures that may be required after occupancy to eliminate identified traffic or circulation problems in the vicinity are borne by the applicant.
2. The Traffic and Parking Department has not indicated that the Massachusetts Avenue solution is in any way dangerous or marginally acceptable. Only minor changes to the median strip on Massachusetts Avenue are likely to ever be necessary to correct traffic related problems that might be generated by the development at full occupancy.
3. The current retail use on the site generates in a single day vehicle trips well in excess of that which would be generated by the 75 units of housing making use of the single driveway being requested. The Traffic and Parking Department and transportation specialists in the Community Development Department have consistently said that housing uses are to be

preferred to any other uses on this site and that the traffic generated at the approved densities will have no discernible impact on the traffic patterns in the vicinity of the development and along Massachusetts Avenue.

4. It is only at the initiative of the applicant that the site under review has any access to Tyler Court. A significant number of units (ca. 31) would be permitted on the site without any Planning Board discretionary review; all of which could exist onto Massachusetts Avenue as-of-right. The additional number of units authorized by the Planning Board through the Special Permit provisions of the Business C-1 zoning district would not significantly magnify the impact of the traffic that would be generated by an as-of-right housing development.
5. Mandating a Tyler Court access unnecessarily ties this development to a legal dispute between the City of Cambridge and other landowners regarding the use of Tyler Court and other streets in its vicinity which is extaneous to the current or future use of this site. The public benefit derived from a quality residential devleopment at this site, adjacent to the Linear Park and in a district for which the future character is yet to be established, is substantial. Residential development is to be preferred above almost any other alternate commercial use which is allowed, substantially as of right, in this District and on this lot.
6. Approval of a full Massachusetts Avenue access at this time will not prevent, with Planning Board review and approval, an exit onto Tyler Court at some time in the future should that prove feasible.

Decision

After review of the comments made at the public hearing, and in full consideration of the request made by the Planning Board of the applicant and the permittee at 2456 Massachusetts to coordinate their respective developments to reduce points of vehicular access to their sites, and based on the findings above, the Planning Board GRANTS a Major Amendment to Special Permit #60 to permit alteration to the approved achitectural plans in a manner consistant with the above referenced revised plans in order to allow closure of the exit onto Tyler Court and further to permit full access and egress to this site and 2456 Massachusetts Avenue from a widened garage portal at Massachusetts Avenue subject to the following conditions.

1. Any future proposal to use the Tyler Court access shall also require approval of a Major Amendment to Permit #60.
2. The permittee, in cooperation with the permittee for Special Permit #76, shall (1) post a bond or other surety in an amount and in a form satisfactory to the Department of Traffic and Parking prior to the issuance of any certificate of occupancy for the building to pay for all costs associated with the closure or modification of the median traffic island in Massachusetts Avenue should that be deemed necessary by the Traffic and Parking Department and (2) initiate an analysis of the travel patterns of the residents of the dwelling units as they exit and enter the building, at a time and in a manner acceptable to the Traffic and Parking Department, when 80% of the subject dwelling units have been occupied, which analysis is to be provided to the Traffic and Parking Department to determine whether any alterations to the median strip or other traffic control measures may be necessary to prevent significant additional vehicular trips on local residential streets originating from this development.

Voting to grant the major amendment were Paul Dietrich, Acheson Callahan, Clarence Cooper, David Kennedy, and Alfred Cohn consisting of more than two thirds of the membership of the Planning Board. Carolyn Mieth voted against the major amendment.

For the Planning Board,

A handwritten signature in cursive script that reads "Paul Dietrich (sm)".

Paul Dietrich,
Chairman of the Planning Board

ATTEST: I, _____, duly authorized representative of _____, have read this decision prior to action by the Planning Board and hereby agree to the foregoing conditions as approved by the Planning Board. (PUD only)

A copy of this decision 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 decision filed with the Office of the City Clerk on February 5, 1988 by Elizabeth J. Mahant, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

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

Date _____
City Clerk, City of Cambridge

EXHIBIT "A"

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

MAR 13 1987

DATE:

A TRUE COPY ATTEST:

CASE NO: Special Permit PB #60

PREMISES: 2440 Massachusetts Avenue

ZONING DISTRICT: Business C-1 and Industry A-1

PETITIONER: Edward J. Boyle

APPLICATION DATE: October 7, 1986

DATE OF HEARING: December 2, 1986

PETITION: Special Permit for Multi-family Housing in a Business C-1 District
Special Permit to extend the Business C-1 District Regulations
Variations in the Height and Side yard Stetback in the Industry A-1
District

DATE OF PLANNING BOARD DECISION: February 17, 1987

DATE OF FILING THE DECISION: February 26, 1987

Decision (summary): Granted with conditions

Appeals, if any, shall be made pursuant to Section 17 of
Massachusetts General Laws Chapter 40A, and shall be filed
within twenty (20) days after the date of filing of the above
referenced decision with the City Clerk.

Copies of the complete decision and final plans, if applicable,
are on file with the office of Community Development and the
City Clerk.

2/26/87
Date

Walter Barber
Authorized Representative
to the Planning Board

Case No: PB#60

Premises: 2465 Massachusetts Avenue

Zoning District: Business C-1 and Industry A-1

Petitioner: Edward J. Boyle

Application Date: October 7, 1986

Date of Public Hearing: December 2, 1986

Petition: Special Permit for Multi-Family Housing in a
Business C-1 District

Special Permit to Extend the Business C-1 District
Regulations 25 feet;

Variations in the Height and Setback Requirements
of the Industry A-1 District

Date of Planning Board Decision: February 17, 1987

The Application

The following documents were submitted in support of the application.

1. Application form certified complete on October 7, 1986.
2. Revised Dimensional Form submitted on October 12, 1986.
3. Plans, elevations, entitled "2440 Massachusetts Avenue Apartments and Condominiums";
Tsoi/Kobus and Associates Architects; dated August 8, 1986;
Various scales.

Other Documents

1. Revised Plans incorporating new sheet A-1C, dated November 17, 1986, replacing sheets A-1 and A-2 in the original submission referenced above.
2. Revised Plans, dated January 28, 1987 incorporating final changes to the plans as originally submitted.
3. Work sheet, undated, from Lauren Preston, Department of Traffic and Parking analyzing the traffic generation for three projects undergoing Planning Board Special Permit review.

4. Memo to file from Lester Barber, dated 2/17/87 outlining information conveyed to the Planning Board from Lauren Preston through conversations with Lester Barber and Betty Desrosiers of the Community Development Department.
5. Letter to the Planning Board from Peter Kasch, Co-Chairman North Cambridge Stabilization Committee, dated December 2, 1986 requesting a delay of decision.
6. Letter to the Planning Board from Kate Mattes, Co-Chairman of the North Cambridge Stabilization Committee, dated January 6, 1987, indicating reluctance to support the variance and special permit requested.
7. Memo to Planning Board from Tsoi/Kobus and Associates dated January 30, 1987 detailing the rationale for the variances requested.
8. Letter to the Planning Board from Theodore E. Daiber, Attorney for Robert Fawcett and Son Co., Inc., dated January 30, 1987, requesting Board not to grant access onto Tyler Court from the Boyle Development.
9. Memo to Planning Board from Tsoi/Kobus and Associates dated January 20, 1987 outlining changes in the Plan in response to community concerns.
10. Letter to Paul Dietrich, Chairman, from Beverly Courtney of Brookford Street.
11. Modified application from Tsoi/Kobus and Associates dated January 28, 1987 incorporating final building designs and dimensional statistics.
12. Letter to the Planning Board from Attorney Richard D. Walsh withdrawing objections to development at 2440 Massachusetts Avenue.

Public Hearing

A public hearing was held on Tuesday, December 2, 1986. Mr. Ed Tsoi, Architect for the project, outlined the proposal and its conformance to the Business C-1 Special Permit requirements. In particular Mr. Tsoi stressed the importance of the special permit and variances requested along the rear portion of the lot in order to permit a more rational development of the site. The variances would affect only a small portion of the building and would allow some of the bulk of the building to be located in the least visible location rather than directly on Massachusetts Avenue.

For most residents in the area traffic and parking demand generated were of major concern, particularly in light of the three major developments being proposed in the vicinity.

Additional parking at the rate of 1.5 spaces per unit was requested for this and all other developments.

Two direct abutters had major concerns. Mr. Robert Fawcett felt the use of Tyler Court as an egress for all of the cars was inadvisable given the heavy use the roadway now receives; Ms. Carol Shea, owner of abutting property at 2458-2460 Massachusetts Avenue, objected to the variance for the sideyard setback as it would negatively affect the development potential of her property.

At subsequent Planning Board regular meetings the issues of parking quantity and use of Tyler Court continued to be major points of concern.

In response, the Board indicated a reluctance to require more parking than is mandated by the Zoning Ordinance. And in regard to use of Tyler Court the Board must rely on the technical expertise provided by the Traffic and Parking Department, if that Department indicates that the street is adequate there is no reasonable basis for the Board to prohibit its use as proposed. As to the variances and special permit at the rear of the site, the determining factors relate to the public benefits derived from an improved design, i.e. does the public benefit in terms of an improved development if the variances/special permit are granted.

Findings

1. The proposal conforms to the dimensional requirements of the Business C-1 District and the Massachusetts Avenue Overlay District (with the variances granted in this decision). Specifically the proposal meets the requirements of footnote (n) which permits increased floor area and density in a Business C-1 District because: (1) at least 75% of the gross floor area is devoted to residential use; (2) all parking is covered and enclosed; (3) at least 15% of the lot is useable open space; and (4) the development has undergone and will continue to undergo design review by the Planning Board.
2. The proposal also addresses the design and development objectives for Massachusetts Avenue as reflected in the Massachusetts Avenue Overlay District and the draft North Massachusetts Avenue Urban Design Guidelines Handbook: (1) the building will be constructed of quality materials traditionally used in large masonry residential buildings along Massachusetts Avenue, i.e. brick with granite and limestone or similar quality materials for accents; (2) traditional building forms including bays, discrete window forms, articulated entries are important elements of the

design; (3) the building fronts squarely onto Massachusetts Avenue without excessive height but sets back from the Linear Park side line to complement that public space with walled gardens; (4) while more massive than the building now on the site or than many of the residential structures in the abutting neighborhoods, the building is so designed as to minimize its visual impact from those points where it will be most seen by the public, i.e. Massachusetts Avenue and the Linear Park.

3. The request to extend the Business C-1 District regulations 25 feet into the Industry A-1 District is reasonable given the fact that much more than 50% of the site is in the Business C-1 District, the area affected is to the rear of the site, the extension will permit a better and more sensitively designed building, and that the abutting property will not be negatively affected by such extension.
4. The variations in the height and sideyard setback requested in the Industry A-1 District are reasonable and will permit a design that better serves the public interest: (1) the modest additional height will be placed in a small portion of the building least visible to the general public rather than in a location at Massachusetts Avenue where the public would be most affected by the height; (2) the waiver of the sideyard will eliminate a 10 foot setback which would serve no useful purpose, but likely create a visual blight and a maintenance problem, and permit more rational development of the adjacent site; (3) the variations are also reasonable given the very significant narrowing of the parcel to the rear making useful construction on that portion of the site difficult.
5. The Traffic and Parking Department has reviewed the plans for the development and the two other developments proposed in the vicinity which have been seeking Planning Board approval. It is the Department's conclusion that the development as proposed, including the use of Tyler Court as an exit route for all vehicles, is appropriate and will not cause congestion or unreasonably negatively impact the public streets. With specific regard to Tyler Court the Department is of the opinion that the street as now configured can accommodate the additional traffic without detriment to the current or future use of the street by abutters.
6. While the Planning Board does not require the provision of parking in excess of that required by the Zoning Ordinance, it does note that the applicant has made every effort to provide additional parking as requested by the neighborhood and encourages maximum adherence to that stated intent.

Decision

After review of the application material, comments made at the public hearing, and at subsequent regular Planning Board meetings, and discussions with the staff of the Community Development Department, and other information available to the Board, the Planning Board GRANTS a Special Permit for Multi-Family Development in a Business C-1 District, GRANTS a Special Permit for the extension for the Business C-1 District regulations 25 feet into the Industry A-1 District; and GRANTS variations in the height and sideyard setback requirements of the Industry A-1 District, all within the limits outlined in Appendix I with the following conditions:

1. The Final Plans submitted to the Superintendent of Buildings shall be in general conformance with the revised documents submitted to the Board, dated January 28, 1987, and referenced above.
2. The Building shall continue to undergo the standard design review process as outlined in Attachment II. The Planning Board shall certify to the Superintendent of Buildings that the final plans conform to all provisions of this decision before issuance of any building permit. The design review process shall continue to focus in particular on the proposed use of materials and the detailing of structures and materials as they abut Massachusetts Avenue and the Linear Park. Final Plans shall include detailed landscaping including street trees along Massachusetts Avenue and the open space along the Linear Park.
3. Every effort shall be made to incorporate additional parking above that required by Zoning, as indicated in the submitted plans.
4. A deed restriction incorporated into the condominium master deed, or the property deed where no condominium deed exists, shall limit the uses in the approved development to residential use.

Voting to grant the permit were P. Dietrich, C. Mieth, J. Bruckner, A. Cohn and D. Kennedy constituting more than two thirds of the membership of the Planning Board.

For the Planning Board,


David Kennedy
Vice Chairman

Dimensional Form

	<u>Allowed/Required</u> ^①	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Floor Area Ratio (Floor Area)	Bus. C-1 3.0 Ind. A-1 1.25 <u>(64,804) sf</u> ^②	<u>.12</u> <u>(2,660) sf</u>	<u>2.6</u> <u>(64,800) sf</u>	<u>2.6</u> <u>(64,800)</u>
Max. Height	Bus. C-1 50avg(60' max.) Ind. A-1 45'-0"	<u>12'-0"</u>	Bus. C-1 50avg(54' max.) Ind. A-1 54'-0" ^③	<u>54' Maximum</u>
Max. Angle Above Cornice Line	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>NA</u>
Min. Lot Size	<u>5,000 sf</u>	<u>22,352 sf</u>	<u>25,002 sf</u>	<u>25,002 sq ft</u>
Min. Lot Area per d.u.	Bus. C-1 300 Ind. A-1 1200 <u>67</u> ^④	<u>N/A</u>	<u>500sf</u>	<u>500 sq ft minimum</u>
Max. No. d.u.	<u>67</u> ^④	<u>74</u>	<u>53</u>	<u>53 maximum</u>
Min. lot width	<u>50'-0"</u>	<u>varies-triangular site</u>	<u>varies-triangular site</u>	<u>existing conditions</u>
Min. yard setbacks				
Front	None	<u>22'-0"</u>	<u>0' at bay 4'-0" at bldg. block</u>	<u>as proposed</u>
Side L	Bus. C-1 None Ind. A-1 H+L/7=16'-0" ^⑤	<u>23'-0"</u>	<u>18'-0" min. 24'-0" max.</u>	
R	Bus. C-1 None Ind. A-1 H+L/7=11'-6" ^⑥	<u>54'-0"</u>	<u>0' along blank wall^⑦ 28'-0" at ramp</u>	
Rear	<u>no rear yard</u>	<u>no rear yard</u>	<u>no rear yard</u>	
Ratio Usable Open Space (Area)	Bus. C-1 15% Ind. A-1 None <u>(3,720) sf</u>	<u>88%</u> <u>(19,692) sf</u>	<u>30.2%</u> <u>(5,800) sf</u>	<u>30.2% minimum</u> <u>(5,800)</u>
Off-Street Parking Minimum No. Spaces	<u>1/DU.: 53</u>	<u>20</u>	<u>70(53 legal, 17 tandem)</u>	<u>53 minimum</u>
Maximum No. Spaces	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	
No. Handicapped Spaces	<u>4%, but not less than 3</u>	<u>1</u>	<u>3</u>	<u>3 minimum</u>
Bicycle Spaces	<u>1/2DU.: 27 spaces</u>	<u>2</u>	<u>27</u>	<u>27 minimum</u>
No. Loading Bays	<u>none for residential</u>	<u>1</u>	<u>N/A</u>	<u>NA</u>

① With Design Review and 25'-0" dim. extension special permit.

② 3.0 x 19,172 sf = 57516 sf
1.25 x 3,180 sf + 2650 sf = 7288 sf
64804 sf

③ Variance on height in Ind. A-1 require 45'-0" maximum proposed=54'-0" for 1,000 s.f.

A copy of this decision 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 decision filed with the Office of the City Clerk on 2/26/87 by [Signature], authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

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

Date _____
City Clerk, City of Cambridge



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT
City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

498-9034

Attachment II

DESIGN REVIEW CHECKLIST

Project _____

Status as of _____

Stage of Review: Design Development	25% _____
	50% _____
	90% _____
Architectural Aspects of	50% _____
Contract Documents	90% _____
	100% _____

This checklist is for monitoring the progress of design for approved permits required by the Cambridge Planning Board. Other zoning requirements are treated separately in documentation of the Planning Board hearings and recommendations.

All Community Development Department comments shall be made within ten days of submittal of the required documents; the submittal shall occur at a meeting held between the Department Staff and the permit grantee.

The City's concepts for certain areas are set forth in the urban design documents such as the East Cambridge Riverfront Plan and Alewife Revitalization in some detail. While specific requirements vary according to the special features of any given site, certain goals are overarching and thus worthy of special note at all phases of review:

Attractive connections from the neighborhoods are essential; impacts on the neighborhood must be minimized.

The public and private realms should come together in as positive a manner as possible.

Every individual project should be carefully conceived and executed to the mutual benefit of its immediate neighbors as well as to the area as a whole.

Every possible physical amenity should be provided.

Building materials and imagery should reflect the historic presence and character of Cambridge's heritage.

Buildings should be humanized in scale and should foster a sense of security.

DESIGN ISSUE

CITY REQUIREMENTS
AND CONCEPTS

DEVELOPER
PROPOSAL

APPROVAL

1. RELATION TO
SURROUNDINGS AND
TO CITY CONTEXT

A. Image

B. Orientation
of entries

Pedestrian

Auto

Service

C. Connections to
parks,
neighborhoods,
other buildings

Physical

Visual

D. Control of
negative
environmental
impacts

Visual

Air (especially
smell from parking,
venting, rubbish,
etc.)

Noise

DESIGN ISSUE

CITY REQUIREMENTS
AND CONCEPTS

DEVELOPER
PROPOSAL

APPROVAL

2. APPROPRIATENESS
OF PROGRAM

A. Mix of uses

Office

Retail

Residential

Parking

Open Space

B. Active ground
floor

Relation to grade

Transparency

Entries/
accessibility

C. Parking

Ratio

Screening

D. Sense of
security

Surveillance

Scale

E. Special features
which are unique
to the project

DESIGN ISSUE

CITY REQUIREMENTS
AND CONCEPTS

DEVELOPER
PROPOSAL

APPROVAL

3. FORM AND MASSING

A. Solid to void

B. Disposition
of height
(including
shadow and
wind impacts)

C. Disposition
of bulk
(including
shadow and
wind impacts)

D. Silhouette

E. Setback or build
to property line

DESIGN ISSUE

CITY REQUIREMENTS
AND CONCEPTS

DEVELOPER
PROPOSAL

APPROVAL

4. DETAILS OF
BUILDING
AND SITE
PLANNING

A. Materials

B. Lighting

C. Signs

D. Awnings

E. Landscaping

Trees

Other plant
materials

Benches

Other park
or street
furniture

F. Contribution
to public
amenities
(if required)

G. Maintenance
program for
related public
space (if
required)