



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

P U D

FINAL DEVELOPMENT PLAN DECISION

October 9, 1979

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CAMBRIDGE, MASS.

PUD FINAL DEVELOPMENT PLAN DECISION

CASE NO.: PB-2
PETITION: Special Permit for a Planned Unit Development
PROJECT: Kennedy Square Mixed Use Development
APPLICANT/DEVELOPER: Kennedy Square Associates, a joint venture
of KSA Properties, Inc. and Carpenter/Cambridge
Associates
DISTRICT: PUD-1
DEVELOPMENT PARCEL LOCATION: Parcel 1B, Southwest Sector, Harvard
Square
OWNER: The Commonwealth of Massachusetts
PRE-APPLICATION CONFERENCES: December 12, 1978; December 18, 1978,
and February 6, 1979
APPLICATION DATE: June 6, 1979
FIRST PUBLIC HEARING: July 12, 1979
PLANNING BOARD DETERMINATION: Conditional Approval - July 31, 1979
FINAL DEVELOPMENT PLAN SUBMISSION: September 7, 1979
SECOND PUBLIC HEARING: September 18, 1979
PLANNING BOARD DECISION: October 9, 1979

THE FINAL DEVELOPMENT PLAN

The Final Development Plan was submitted to the Board by Kennedy Square Associates on September 7, 1979. This plan includes modifications of the Development Proposal conditionally approved by the Board on July 31, 1979. The Final Development Plan has been submitted to fulfill the requirements for a Special Permit to construct a Planned Unit Development (PUD). The Final Development Plan proposes a single 804,958 s.f. mixed use structure with a floor area ratio of 2.99 and a maximum building height of 110 feet. It would contain 60,800 square feet of office space; 91,616 square feet of retail, restaurant, and cultural-entertainment space, surrounding a 2½ level, 25,000 square foot atrium; a 300-room hotel (212,386 square feet); 86 luxury condominiums

(158,812 square feet); and a parking garage containing 760 automobile spaces and 200 bicycle spaces (226,344 square feet).

THE HEARING

A public hearing was held to solicit opinion concerning the Final Development Plan on September 18, 1979. Richard Friedman and Peter Chermayeff represented the applicant. They explained project modifications made in compliance with the Planning Board's conditional approval of the Development Proposal and contained in the Final Development Plan. The overall size and height of the project has been reduced since the original submission. The areas of the office and retail/restaurant/cultural-entertainment components have been reduced by 27% and 54% respectively, while the housing and hotel components have been increased in area by 59% and 54% respectively. The parking garage contains 31% less area and 96 fewer parking spaces. The geometry and mass of the structure and the design of the project edges have been revised since submission of the Development Proposal.

Two persons who were members of the Harvard Square Development Task Force (Task Force) testified in favor of the project. Hugh Russell, 1 Corliss Place, stated his support but suggested that the Planning Board withhold approval until further modifications are made in the hotel mass. Mr. Robert LaTremouille, 4 Trowbridge Place, stated that failure to approve this project would be detrimental to surrounding neighborhoods, particularly Mid-Cambridge, in that commercial activities would expand into areas outside Harvard Square.

Letters in support of the project were submitted by the Riverside Cambridgeport Community Corporation (RCCC), the Chamber of Commerce and the Harvard Square Business Association. The Chamber and RCCC noted the positive impact that this development will have on the Cambridge economy. The Harvard Square Business Association approved of the modifications and reiterated their concern that there be adequate public parking on site.

Six persons testified in opposition. Several of these individuals expressed concern that the project does not comply

with the goals of the Harvard Square Comprehensive Policy Plan (Task Force Plan). Among these were Gladys (Pebble) Gifford, and Martha Lawrence, both members of the Task Force. Ms. Lawrence was also the Community Representative on the MBTA Project Review Board. Ms. Gifford asserted that compliance with the policy plan is mandatory under Chapter 298 and the PUD ordinance. She also stated that the community is concerned on the issues of traffic and parking, retail space, housing and the project's scale. Ms. Lawrence also submitted a written statement to the Board further explaining these concerns.

Mr. Paul Lawrence, representing the Executive Committee of the Neighborhood Ten Association, stated that due to the recent strengthening of the housing and condominium market, additional housing on the site would not be a liability to the developer. He requested that the Planning Board instruct the developer to proceed with Alternative #5 described in the Draft Environmental Impact Report on the Mixed Use Development on Parcel 1B, Harvard Square (EIR), which contains a mix of uses generating 50% less traffic than the project originally proposed. He stated that building this alternative would provide more housing and would approach the guidelines established for this area by the policy plan.

Dean Johnson, chairman of the Harvard Square Defense Fund (HSFD), raised issues of traffic impact, carbon monoxide levels and the regional market that he believes the proposed amount of retail space will attract. He outlined alleged deficiencies in the Planning Board's earlier determination, including a failure to consider the requirements of Chapter 298 and the effect of this project on public services.

Olive Holmes, 22 Farwell Place, testified that the PUD process has been misdirected, concentrating on project approval rather than on a careful review of the overall situation in Harvard Square. John Pitkin spoke on behalf of the Mid-Cambridge Neighborhood Association. He stated that the traffic levels generated by the project are unacceptable. He also expressed opposition to a University Road connection to Memorial Drive.

OTHER TESTIMONY

Subsequent to the hearing the Planning Board has received a letter from Guy Carbone, Commissioner of the MDC, stating his objection to connecting University Road with Memorial Drive. He expressed strong concern that a curb cut was even discussed as a possible mitigating measure in the EIR and requested that the Board reject it as an alternative. The Board has also received a written version of the statement made by Pebble Gifford at the public hearing.

At a regular meeting of the Planning Board held on October 2, 1979, representatives of HSDF requested that the Board require the applicant to modify the development plan to contain the mix of uses in Alternative No. 5 of the EIR. The group believes that Alternative No. 5, to the maximum extent possible, mitigates traffic and air pollution impacts while being financially feasible. Joshua Posner, a consultant retained by HSDF, presented a memorandum to the Board dealing with the financial viability of Alternative No. 5. Mr. Posner submitted that the financial viability of the project is improved by decreasing retail space and increasing housing. He disagreed with the developer's assumptions concerning construction costs. Some inaccuracies in the memorandum were identified and some of Mr. Posner's assumptions were questioned by members of the Board. Other people at the meeting expressed concern regarding the project's retail component, particularly as to traffic generation and its economic impact.

The opinions expressed at public hearings, at meetings of the Planning Board, and in written statements have been fully considered by the Board in reaching its decision.

DECISION

Based upon the Findings, and having determined that the Final Development Plan meets the evaluation criteria set forth in the applicable provisions of the Zoning Ordinance and contains the revisions previously requested by the Board, subject to the Conditions as set forth herein, being agreed to in writing by the developer, the Board hereby:

- (a) approves the Final Development Plan, as so designated on the documents, plans and graphics submitted to the Board;
- (b) grants a Special Permit to construct a PUD in accordance with this decision;
- (c) approves, pursuant to Section 12.63, the setbacks as shown on the Final Development Plan; and
- (d) permits the following uses, all of which are allowed by Section 12.621, and accessory uses:
 - (i) 4.31(d) - Residential - Multi-family dwelling;
 - (ii) 4.31(e) - Residential - Transient Accommodations;
 - (iii) 4.33(c) - Library or Museum;
 - (iv) 4.33(h) - Theatre, Auditorium, Etc.;
 - (v) 4.33(j) - Private Non-Profit Club or Lodge, Etc.;
 - (vi) 4.33(o) - Automobile Parking Lot or Parking Garage, Etc.;
 - (vii) 4.34 - Office and Laboratory Use - All Categories; and
 - (viii) 4.35 - Retail Business and Consumer Service Establishments - All categories subject to the limitations in Condition 4.

The developer hereby granted the Special Permit may hereafter seek amendments to the Final Development Plan only if difficulties are encountered in construction which could not have reasonably been foreseen.

FINDINGS

1. The Development Proposal submitted by Applicant on June 6, 1979 was completed on appropriate forms which Applicant had previously obtained from the Planning Board.

2. The Development Proposal contained the written and graphic information specified in Section 12.343, for the entire proposed project.

3. A copy of the Development Proposal has remained open to the public at the offices of the Community Development Department during the entire application process.

4. The applicant has paid all expenses incident to advertising for public hearings in connection with the Development Proposal.

5. The Planning Board held a public hearing on July 12, 1979, which was within 65 days of the date of receipt of the complete application (June 6, 1979) in order to solicit public opinion concerning the Development Proposal.

6. Between June 6, 1979 and July 12, 1979 the Planning Board submitted the Development Proposal for review to the following city departments: Department of Public Works and the Department of Traffic and Parking. No comments on the Development Proposal in writing were submitted to the Planning Board within 60 days of receipt of the application (June 6, 1979) and no later than 5 days before the date of public hearing (July 12, 1979). Written comments were received from the Department of Traffic and Parking on July 30, 1979. Such written comments were made a part of the application and have remained on public record at the offices of the Community Development Department.

7. The Planning Board made a determination of the Development Proposal on July 31, 1979, (Conditional Approval) which was within 21 days of the public hearing (July 12, 1979). The Planning Board conditionally approved the Development Proposal with recommendations for modifications as set forth therein.

8. The developer submitted a Final Development Plan on September 7, 1979, which was no later than 59 days after the public hearing (July 12, 1979). The Final Development Plan consisted of final versions of all statements and graphics presented in the Development Proposal and contained all revisions required by the Planning Board at the time of the Conditional Approval.

9. The Planning Board held a public hearing to consider the Final Development Plan on September 18, 1979 which was no

later than 69 days after the public hearing (July 12, 1979) concerning the Development Proposal. The purpose of the public hearing of September 18, 1979 was to solicit public opinion on the Final Development Plan with emphasis placed on reviewing modifications made to the Development Proposal.

10. Although The Commonwealth's environmental impact review is not formally tied to the PUD review process, the environmental impact of the Final Development Plan has been fully considered by the Board. The Board has received and reviewed copies of the EIR. This document contains information previously available to the Board throughout the period of the State-mandated environmental impact analysis. A representative of Skidmore, Owings and Merrill, retained by The Commonwealth to conduct the environmental investigation, has been present at meetings of the Board to explain EIR findings. The project proposed in the Final Development Plan falls within the range of alternatives included in the EIR and is most similar to Alternative No. 3.

11. The Final Development Plan hereby approved contains:

- (a) 1386 square feet less than the 550,000 square foot gross floor area limitation; and 70,042 square feet less than 875,000 square foot limitation placed on total floor area in the Conditional Approval.
- (b) A mix of uses consistent with the schedule specified in condition No. 2 of the Board's Conditional Approval.
- (c) No retail establishment in excess of 15,000 square feet.*
- (d) A preliminary non-binding plan indicating the basis on which the developer intends to market the retail space.

* The Planning Board may, at any regular meeting thereof, approve a retail establishment up to but not exceeding 18,000 s.f.

- (e) A roadway construction design for University Road and Bennett Street developed in consultation with the Community Development Department and the Department of Traffic and Parking.
- (f) Detailed information concerning the parking garage space allocation and fee schedule with at least 350 spaces priced for short-term, high-turnover use.
- (g) Secure sheltered bike parking for at least 200 bicycles, with additional exterior spaces.
- (h) Minimum visual disruption for a project of its scale.
- (i) Building height in accordance with the requirements of Section 12.64, and perimeter heights within the limitations set by the Board in the Conditional Approval.
- (j) Design and landscaping details along the edges satisfactory to the Board's expressed concern particularly with respect to University Road and the Kennedy School of Government.
- (k) A flat floor for about two-thirds of the garage and a satisfactory garage ventilation system.
- (l) Satisfactory scope and level of detail of material with additional information provided at the Board's request during the Final Development Plan review period.

12.* The Final Development Plan conforms to the General Development Controls set forth in Section 12.50 of the Ordinance.

* Section 12.364 of the Ordinance states that the Board approve a Final Development Plan only if it "meets the evaluation criteria set forth in Section 12.354". There is no Section 12.354 in the Ordinance. Examination of the original zoning amendment ordination materials indicates that this is a typographical error and that the Ordinance should read "as set forth in Section 12.353." Findings 12 through 15 address these evaluation criteria.

(a) Applicability and Conformance with Existing Policy Plans (12.51). Neither the Planning Board nor the City Council nor any other municipal agency has formally or informally "established" or "adopted" a policy plan or development guidelines for the area in which this planned unit development is to be located, i.e. Harvard Square. The Final Development Plan for Kennedy Square conforms with the Harvard Square Comprehensive Policy Plan (Final Draft, May 1976) (the Task Force Plan), which was approved by vote of the Harvard Square Development Task Force, appointed by the City Manager. The Board has reviewed the Task Force Plan, earlier drafts of that document, and many of the supporting studies, particularly Harvard Square Planning and Design Analysis (Monacelli Associates, May 1976). The Board has received a report prepared by the Cambridge Committee on the Development of Parcel 1B entitled The Statutory Guidelines: The Application of Land Use and Policy Plans for Harvard Square Area to the Proposed Development of Parcel 1B (6/15/78). The Board has also before it extensive oral and written testimony from individuals and groups who participated in drafting the Task Force Plan or who were represented on the Task Force.

Much attention has been directed to the size of the retail component. While the Task Force Plan does not specify a particular footage of retail space, supporting studies recommend 30,000 to 60,000 square feet of retail use for the entire southwest sector. The Final Development Plan shows approximately 63,600 square feet of retail shops and 28,000 square feet of eating/drinking establishments and theatres. The Task Force documents clearly

distinguish between "restaurant and cultural-entertainment facilities" and "general merchandise retailing". The Final Development Plan, therefore, is within the range of retail use set by the supporting studies. While it might be said that Parcel 1B is not the entire southwest sector and more retail space is possible in the future, no other portion of the southwest sector is presently zoned for retail use. Furthermore, variances previously granted on the DiGiovanni property have expired. The Board finds that it is unreasonable to reduce further the amount of retail use in the Final Development Plan on the grounds that other portions of the southwest sector might later be rezoned or new variances granted.

While it has been argued that a project with a different mix of uses, containing substantially less retail space and more housing, such as Alternative No. 5 of the EIR, might be financially viable, the Board finds that such a drastically altered mix should not be imposed on the developer. Furthermore, it is not clear that the environmental consequences of Alternative No. 5 of the EIR would be substantially qualitatively different from those of the Final Development Plan. In addition, the Board must consider a broad range of social, economic and fiscal objectives, as well as environmental concerns.

It has been asserted that, because of its size, the retail component will harm the economic vitality of Harvard Square. The Board has not received any concrete evidence that this is a likely consequence. Harvard Square merchants have testified on both sides of this issue. One of the purposes of the

Zoning Ordinance stated in Section 1.30 is to encourage appropriate economic development. The City of Cambridge is now aggressively pursuing a program of promoting and facilitating high quality commercial development projects in existing and new business districts. The Board finds that construction of Kennedy Square will be a helpful part of that effort with respect to Harvard Square.

Chapter 298 of the Acts of 1976 established Parcel 1B as a single 4.2 acre development parcel, contemplated mixed commercial and residential development and determined that the land would be sold at fair market value. There are no other four-acre, non-institutional parcels in Harvard Square. The action of the General Court dictated that any development scheme would be a departure from the existing development pattern in the area. The February 1977 Request for Proposals (Cambridge MBTA Yards Project Review Board) further elaborated the land uses appropriate for development (housing, retail, offices, community service facilities and parking) and established the 3.0 FAR, "calculated as defined in the Cambridge Zoning Ordinance". The RFP explicitly did not establish limitations on the amount of the various acceptable uses. That document also established the Task Force Plan as a guide for the Project Review Board. The Stage II RFP (8/77) was given only to prospective development teams whose Stage I proposals were considered to be in substantial compliance with the Task Force Plan.

Adoption of the Planned Unit Development amendment to the Zoning Ordinance by the City Council (10/77) further articulated policy for this parcel by changing the zoning from strictly

- (b) PUD Development Parcel Size. (12.52) Parcel 1B contains 4.21 acres, more than the one acre minimum established by Section 12.52.*
- (c) Standards for Construction of Roadways. (12.53) Roadways adjacent to the PUD, University Road and Bennett Street will be reconstructed by the City following takings from Parcel 1B and abutting parcels. Preliminary designs included in the Final Development Plan have been formulated in consultation with the Department of Traffic and Parking, and conform to standards established by it. Compliance with the Minimum Standards for Acceptance will be required at the time of detailed roadway design. The design of the overall circulation pattern satisfies the principles and concepts established in Recommended Practices for Subdivision Streets.
- (d) Standards for Construction of Utilities and Public Works. (12.54) Other than the roadways and new fire hydrants, which will be constructed according to criteria established by the Public Works Department, Water Department and other appropriate departments, no new utilities or other public improvements will be constructed in conjunction with this development. All required utilities are available at or near the property lines. The proposed project has been reviewed by representatives of the Cambridge Public Works Department, the Cambridge Fire Department, Commonwealth Gas Company and Cambridge Electric Light Company, none of whom foresee any problems in providing services

* Section 12.632 requires that a development parcel in the PUD-1 district contain at least 2½ acres. The Final Development Plan satisfies this requirement (see Paragraph 13(c) below).

residential to mixed use with a 3.0 maximum floor area ratio. Unlike other special zoning districts which have been established or proposed in Cambridge (e.g. Kendall Square MXD District, W. R. Grace Company Area PUD District, Alewife Triangle PUD District), no limitations were placed on the permitted amount of various land uses. Unlike the East Cambridge PUD districts, the regulations for the PUD-1 district contain no explicit references to any planning documents. The fact that there has not been a rezoning petition for this PUD-1 district in the two years since its creation is evidence of the acceptance of the clear policy established by the Council in adopting this zoning.

The Report of the Technical Consultants to the Cambridge MBTA Project Review Board (2/22/78) and the decision of the Project Review Board itself (3/24/78) determined that the project proposed by Kennedy Square Associates in December 1977 was the most acceptable of the six proposals submitted in terms of the rule-making and review procedures which preceded that decision and of the policy plans thereby implemented.

Finally, the City Council's decision to increase the PUD-1 district height limit in July 1978 was a reaffirmation of its policy to provide sufficient zoning flexibility to enable a larger scale, integrated mixed use development on Parcel 1B.

In summary, actions by state and municipal agencies over the past three years have established a clear development policy for Parcel 1B, and the Planning Board is to be guided by that policy in reviewing a proposed planned unit development. The Final Development Plan submitted by Kennedy Square Associates conforms to that policy.

to the site. The EIR contemplates no adverse impacts upon utilities and services.

(e) Landscaping. (12.55) The Final Development Plan indicates that all open areas within the PUD which are not used as driveways or walkways will be landscaped in an appropriate manner. Information provided in Part B of the Plan, Development Concept, and on drawings No. 6, 7 and 13 indicate compliance with Section 12.55.

(f) Environmental Performance Standards. (12.56) The EIR indicates two primary areas of concern: air quality and noise. The Board understands that the CO concentrations in Harvard Square currently exceed ambient air quality standards established by the Environmental Protection Agency and the Massachusetts Department of Environmental Quality Engineering. While an overall improvement in air quality is expected if automobile emissions continue to decrease, future violations are expected to continue even if nothing is built on Parcel 1B. The Board is not aware of any environmental regulation which prohibits construction of traffic generating developments in areas where ambient air quality standards are exceeded. The EIR indicates that the stationary source air pollution impacts of the project are expected to be minimal. While some other project configuration might result in a reduction of traffic from that projected for the Final Development Plan and therefore a reduction in air pollution, the Board's decision on the Final Development Plan must be in the context of the full range of environmental, fiscal, economic and social benefits to, and impacts on, Cambridge (12.353).

The EIR indicates that during construction of the planned unit development the Cambridge Noise Ordinance would be violated unless mitigating measures were taken. Such measures are required in the conditions set forth herein.

No state, federal or local law or regulation with respect to environmental matters will be violated by any uses permitted by this decision.

13. The Final Development Plan conforms with the regulations for the PUD-1 District specified in Section 12.60 as follows:

- (a) Purpose. (12.61) Kennedy Square would be a medium-density, mixed use development, containing commercial, office and a variety of residential uses.
- (b) Uses allowed in a PUD-1 District. (12.62) All uses proposed in Kennedy Square, residential, office and retail, and consumer service establishments are allowed by Section 12.62.
- (c) District Dimensional Regulations. (12.63) The floor area ratio proposed in the Final Development Plan is 2.99, below the permitted maximum 3.0. The development parcel contains more than 2½ acres. The residential density for the Final Development Plan is 21 units per acre counting the condominiums only, or 59 units per acre if the hotel is included. Both densities are below the 72 unit per acre maximum (i.e., 600 square feet per dwelling unit minimum) established by the Ordinance. Minimal setbacks are acceptable in view of the development parcel's location in an area where most buildings are built lot line to lot line, and due to the fact that this proposal is part of an overall redevelopment objective which includes substantial public open space.

(d) Height. (12.64) The maximum height of the building at most of its perimeter is 60 feet. The height at the perimeter of the residential component of the project is 75 feet, consistent with condition No. 10 of the Board's conditional approval. 15.3% of the development parcel is covered by building mass in excess of 80 feet in height and 4.52% is covered by buildings or parts thereof in excess of 100 feet in compliance with Section 12.64. For portions of the building towards the center of the project, the allowable height has been increased to 110 feet (Section 12.642) since the Board finds that provision of amenities does provide substantial public benefits. These amenities include: open spaces contiguous with the public easement along the eastern edge of the project, walkways connecting the atrium of the project to the Kennedy Park, the atrium itself, and enclosed bicycle parking for 200 bicycles.

Under Section 5.23 of the Ordinance, the mechanical penthouse, which exceeds 110 feet, and mechanical areas which exceed 80 feet are not considered in calculating maximum height or percentages of the lot covered by buildings or parts thereof above specified heights.

The Final Development Plan concentrates the highest masses towards the center of the project. Heights are most similar to those in Alternative No. 3 in the EIR, which notes Craigie Apartments and the Harvard Motor Lodge will be affected by winter shade stretching from Mt. Auburn Street to Brattle Street over the course of a day, while summer shadows will be largely contained on site. If the building height did not exceed 60 feet, shadows would not stretch as far, but Craigie Apartments

and the Harvard Motor Lodge would receive similar impacts.

The EIR found that Alternative No. 3 would have minimum wind pattern impact. The EIR stated that trees could adequately mitigate wind impacts.

Therefore, the overall height of the project does not limit unreasonably the amount of light or air reaching other buildings in the vicinity to a significantly greater extent than if the entire building height did not exceed 60 feet.

Because the perimeter of the project has been kept to 60-75 feet, pedestrians in the immediate vicinity of the project will perceive a building no higher than many existing buildings in Harvard Square. Although from more distant vantage points the higher portions of the structure will be seen, this problem is inevitable, given the permitted F.A.R. of 3.0 with parking not included. In evaluating the Final Development Plan, the Board has given consideration to evidence presented on the matters referred to in Section 12.643. The Board finds that the project has been designed to alleviate the problem of height to the maximum extent possible.

- (e) Usable Open Space. (12.65) The Final Development Plan contains 16.4% of usable open space including the atrium. The Planning Board hereby determines that the atrium is a pedestrian way and may be counted as usable open space under Section 12.652.*

* The Planning Board under Section 12.651 may reduce the usable open space requirement since the development is located adjacent to Kennedy Park and is physically and functionally integrated with it. Under this section the Board is empowered to, and hereby reduces the amount of, the usable open space required under Section 12.65, so that the Final Development Plan qualifies thereunder.

(f) Perimeter and Transition. (12.66) The Planning Board has been especially concerned with the edges of this project since the first pre-application conference with the applicant. Conditional approval of the Development Proposal was contingent in part on the developer's providing much more detailed information on the design of the edges. The Board has reviewed the Final Development Plan and finds that the perimeter of Kennedy Square will complement and harmonize with adjacent land as required.

(g) Parking. (12.67) The parking requirements of Section 12.67 and Article 6.000 are both applicable to this project. They require, for the mix of uses contained in the Final Development Plan, 391 parking spaces. This requirement has been determined by allocating the area of the atrium to the retail component of the project. The Board's conditional approval of the Development Proposal required that the project contain a minimum of 765 spaces. The Final Development Plan contains 768 parking spaces, all but eight of which are located within the garage.

The Final Development Plan shows the specific location and size of the off-street parking required by Article 6.000 and the means of access thereto from public streets, as required by Section 6.21 of the Zoning Ordinance.

Section 6.55 of the Zoning Ordinance specifies that each parking space required by the Ordinance must be not less than eight and one-half feet in width by twenty feet in length. Approximately twenty-one percent of the spaces in the garage are designed for compact cars and are therefore smaller than the standard specified in Section 6.55.

Since the trend is toward smaller vehicles, the Board hereby determines that a number of smaller spaces is desirable and will be permitted, provided that the Ordinance's design standard is satisfied for the number of spaces required by Article 6.000.

- (h) Loading (12.67) The loading requirements of Article 6.000 are made applicable to this project by Section 12.67. The Final Development Plan includes a plan for off-street loading facilities as required by Section 6.71, which shows six loading docks, which is the number required by Section 6.80 for the proposed mix of uses.

Each loading dock meets the dimensional requirements of Section 6.91, is enclosed in a structure as required by Section 6.92, and accessory driveways and entranceways meet the requirements of Section 6.93.

14. Compliance with Policy Plans. As discussed in Paragraph 12(a) above, neither the Planning Board nor the City Council nor any other municipal agency has formally or informally "established" or "adopted" a policy plan or development guidelines for the portion of the city in which the PUD district is located. The Final Development Plan conforms to the Task Force Plan as set forth in Section 12(a) above.

15. The Planning Board hereby finds that the Kennedy Square Planned Unit Development will provide benefits to the city which outweigh any adverse effects. In reaching this conclusion, the Board has considered each of the evaluation criteria specified in Section 12.353(3) as set forth below.

- (a) Land Use and Site Design. (12.353(3)(a))
The Board finds that the design quality of this project is acceptable. The project successfully integrates a wide variety of land uses, while maintaining the qualities essential to each.

Retail space is located in areas of likely greatest activity. The hotel has its own identity but is linked with other public uses. Residential units face the park without dominating it and take advantage of the desirable view afforded by the site. The parking garage has good access and is hidden by other building elements to the maximum extent possible. The office spaces appear flexible enough for a variety of tenants, and access is reasonably good.

As concluded in the EIR, no natural site features remain to be disturbed by this project.

For its size, the project is compatible with adjacent land uses. On the south, the residential edge appropriately continues the undulating form of the nearby existing apartments. Further, residential use is compatible with the Kennedy Park site. The present scheme eliminates visual conflict between parking and open space found in the initial submission. Additional minor changes are imposed as conditions.

On the east, the project is compatible with the Kennedy School of Government and the public easement connecting Kennedy Park to Eliot Street. Major entries into the project are appropriately located at the north and south ends of the easement. The placement of retail and restaurant activities adjacent to the easement should enliven it without any detrimental impact to the School of Government.

On the north, the project will be separated from the Harvard Motor Inn and the Craigie Apartments by an improved Bennett Street. Inevitably, this will be a busy edge of the project due to pedestrian, automobile, and bus traffic. In

addition, this edge will receive very little sun. These problems are inherent in the site location and configuration. Certain minor modifications to improve the visibility of the project from Harvard Square are imposed as conditions.

Finally, on the west, the project is compatible with University Road and the planned DiGiovanni development, as well as the property of the Society of St. John the Evangelist (St. John's). Service ways and garage entries are screened by landscaping from University Road. The residential block has a better relation to St. John's than in the original submission in that more open space has been provided. Better pedestrian access is imposed as a condition.

In general, the exterior open spaces are more usable and better related to their surroundings than in the original submission. On both St. John's and the Kennedy School edges, the modified plan provides improved open space as compared with the original submission. The internal atrium space will be animated by publicly accessible uses and will provide a year-round amenity designed to benefit the general public. Although its scale is smaller than that of the original submission, the atrium will be acceptably spacious, as well as more energy-efficient.

- (b) Traffic Flow and Safety. (12.353(3)(b)) The Board has reviewed the materials contained in the Final Development Plan and the materials and analysis found in the EIR and finds that the project as presented would, if no mitigating measures were undertaken, adversely affect traffic circulation and the level of service within the Harvard Square area. However, as detailed in the

EIR, the implementation of certain mitigating roadway improvements will increase the level of service at all key intersections to a point where traffic flow will be comparable to that which now exists. These required roadway improvements consist of widening of Bennett Street and University Road, making Eliot Street two-way, installing new or updated traffic signals, and building left-turn lanes on the Boylston Street and the Larz Anderson Bridge approaches to Memorial Drive. In summary, though there will be some additional traffic generated by this project, the Final Development Plan will not cause traffic flow and safety to be unreasonably impaired.

(c) Adequacy of Utilities and Other Public Works. (12.353(3)(c)) Findings of the EIR and reviews by municipal agencies indicate that utilities are adequate to service this development. The Kennedy Square project will not create excessive demands on either the immediate facilities or the overall service system. Reconstruction of University Road and Bennett Street has been contemplated at least since preparation of the Stage I RFP by the Project Review Board. These improvements would be necessary for any development on the site.

(d) Impact on Existing Public Facilities Within the City. (12.353(3)(d)) Kennedy Square will have a negligible impact on public facilities and services. With the proposed mix of high-priced residential units, the project can be expected to contain no more than 15 school-age children, not all of whom can be expected to attend Cambridge public schools. Neither the residential population or the daily visitor population is expected to create adverse impacts on the proposed Kenendy

Memorial Park. In part H of the Final Development Plans, the applicant has described possible impacts on several other public facilities and services. The Board finds them to be an acceptable summary.

(e) Potential Fiscal Impact. (12.353(3)(e))

Kennedy Square will have a strong positive fiscal impact on the City. The Cost-Revenue Study prepared by the Community Development Department (1976) indicates that nearly every component of the project will have a positive revenue:cost ratio as shown in the table below and that the proposed mix will clearly have a positive ratio.

<u>Use</u>	<u>Revenue:Cost Ratio</u>
Luxury condominiums	2.3:1
Small retail stores	2.0:1 - 3.3:1
Restaurants	0.8:1 - 1.5:1
General Office (High Priced)	5.2:1 - 7.0:1
Large Parking Garages	19:1
Luxury hotels	4.2:1
Movies and theaters	.99:1

Under current city tax policy, this development once stabilized is expected to generate \$2 million annually in property tax revenue. This represents about \$9.00 on the tax rate. Even if the City has to pay the entire cost of the required roadway improvements, the burden would equal approximately six months tax revenue. If the city were to acquire the land to continue using it as a municipal parking lot, the undertaking would just about break even over a twenty year period.

16. The Final Development Plan is in harmony with the general purpose and intent of the Zoning Ordinance. As required by M.G.L. c.40A, §9, the Final Redevelopment Plan provides for a mixed use development on a plot of land containing more than sixty thousand square feet in which a mixture of residential,

open space, commercial, industrial or other uses and a variety of building types are determined to be sufficiently advantageous to render it appropriate to grant special permission to depart from the normal requirements of the district to the extent authorized by the Ordinance. There are no particulars of the location or proposed uses, not generally true of the district or of the uses permitted in it, which would cause granting of the special permit granted hereby to be to the detriment of the public interest.

CONDITIONS

The approval granted herein is subject to the following conditions:

1. The project shall contain not more than 550,000 square feet of gross floor area as defined in Article 2.000 of the Ordinance nor more than 850,000 square feet in total floor area, including the area devoted to parking and interior circulation.

2. The mix of uses permitted for this project must be consistent with the schedule below. For each use, the first figure is the Board's suggested target (in square feet) of gross floor area; the second, is the range within which there shall be deemed to be compliance with the Final Development Plan.

<u>Use</u>	<u>Target</u>	<u>Range</u>
Office	60,800 s.f.	57,760 s.f.-63,840 s.f.
Retail Shops*	64,000 s.f.	60,800 s.f.-67,200 s.f.
Restaurants and cultural and entertainment facilities**	26,000 s.f.	24,700 s.f.-27,300 s.f.
Hotel***	215,000 s.f. 300 modules	183,000 s.f.-247,000 s.f. 285-315 modules
Residential	159,000 s.f.	Not less than 155,000 s.f.
Parking	230,000 s.f. 765 spaces	211,000 s.f.-253,000 s.f. 765-835 spaces

(Footnotes appear on page 25.)

3. The total area allocated to the retail and restaurant/cultural-entertainment categories shall not exceed 91,616 square

feet. No part of the square footage allocated to restaurants and cultural and entertainment facilities set forth in Condition 2 above shall be used for retail shops until there shall have been first filed and vigorously prosecuted not less than three separate applications by applicants, each of whom is unaffiliated with any other such applicant, for an alcoholic beverage license, and each such application shall have been denied by reason of the provisions of c. 138 §16C of the Massachusetts General Laws. In such event, with respect to the number of square feet as to which alcoholic beverage licenses have been so denied at least three times, said number of square feet may be used, with the written approval of the Board, for retail shops. In determining whether or not to grant such approval, the Board shall act reasonably, having in mind that the objective is to permit a retail use of such spaces for such types of tenants as are available for the project and which can support the rentals required by the project, and which, to the extent possible, spread vehicular traffic rather than concentrating it at a particular time of day.

A portion of the space at the southeast corner of the first level concourse which includes the area adjoining the planned pedestrian connection to the park, shall be used for a restaurant.

4. All retail and consumer service establishments listed in Section 4.35 are hereby permitted except the following:

* Retail shops shall include only those uses listed under Sections 4.35a, 4.35b, 4.35c, 4.35d, 4.35h, 4.35l (pet shop, only), and 4.35m (automobile rental agencies, only). The square footage for retail shops excludes the atrium.

** Restaurants and cultural entertainment facilities shall include only those uses listed under Sections 4.33c, 4.33h, 4.33j, 4.35e, 4.35f, 4.35g, 4.35h, and 4.35o (subject to Condition 4 below). Such space may be devoted to retail shops as provided in Condition 3.

*** The eating and drinking establishments shown in the Final Development Plan as part of the hotel are included in this category and not in the restaurant category above. The area of the hotel devoted to gift shops, newsstands and other shops and service establishments in excess of 2000 s.f. shall be allocated to the retail category above.

- 4.35(i) Commercial recreation establishment.
- 4.35(j) Mortuary, undertaking or funeral establishment.
- 4.35(l) Veterinary establishment, kennel, but pet shops shall be allowed.
- 4.35(m) Sales place for new or used cars, but auto rental agencies shall be allowed.
- 4.35(n) Office, including display or sales space of a wholesale, jobbing or similar establishment.
- 4.35(o) Fast order food establishments including those containing less than 1750 square feet; provided fast order food establishments may be permitted if granted a separate special permit from the Planning Board following the procedures and criteria specified in Sections 10.40 and 11.30.

5. All parking associated with the project must be contained in the garage, designed with a circulation system that permits unobstructed access to each parking space. The total number of parking spaces provided for the project must fall in the range of from 765 to 835 spaces. The size of each space required by Sections 6.30 and 12.67 shall conform to the dimensional requirements of Section 6.55. At least 20% but not more than 25% of all parking spaces shall be designed for compact cars and shall have minimum dimensions of seven and one-half feet in width and 15 feet in length. The total area of the garage shall not be less than 275 square feet multiplied by the number of parking spaces. At least 350 spaces must be priced for short-term, high turnover use to replace public spaces in the area which will be lost due to this and to other projects.

6. The following conditions with respect to architectural and urban design features are hereby imposed:

- (a) The cornice line is long and unbroken from several vantage points. To address this matter, particularly in reference to the hotel wings, the architects shall study ways to break the cornice lines to the extent

found feasible and functionally viable, so as to give the forms of the project, if possible, a less monolithic appearance. The architect shall also attempt to break facades that now appear to be flat. Although this concern applies most to the hotel wings, the facades of the entire project should be examined in this regard.

(b) The visibility of the entrance to the project should not become isolated. The entry now appears to be obscured by a portion of the retail block. Every effort shall be made to make the entry clearly visible.

(c) In the design of the project edge along the walkway to the Kennedy Park, every effort shall be made to create a safe, comfortable and inviting pedestrian environment. The edge shall have landscaped seating areas not more than 125 feet apart from Bennett Street to the park. At the park end, the first floor building line shall gradually pull back from the parcel line, as shown on drawing No. 7, so that the pathway and park gently merge. At least 50% of the area of the first floor facade along that edge shall be transparent.

(d) Pedestrian access to the Kennedy Park is essential both along the easement on the east and along the western sidewalk connecting to University Road. Grades in both areas should allow ease of pedestrian access. Further, the landscaping in front of the residential block on the west shall be modified to allow pedestrians to pass directly from University Road into the Park.

(e) In order to assure consistency between the project and adjacent public ways, Kennedy Square Associates shall be responsible for installation and maintenance of the landscaping within the University Road and Bennett Street public rights-of-way, but only on those sides of the street which abut the project.

7. Construction of Kennedy Square shall comply with such of the noise mitigation measures suggested in the EIR as are required

to bring the project into compliance with the Cambridge Noise Ordinance.

8. The level of the water table shall be monitored throughout the construction of the project. Construction processes shall include necessary measures to avoid materially disturbing the existing water table.

9. All signs proposed to be erected on the structure which would be visible from any public way shall be reviewed and approved by the Community Development Department in accordance with the Small Project Procedure for the Harvard Square Overlay District as specified in Section 11.462.

10. The applicant shall submit project drawings to the Community Development Department at the completion of the design development phase, and working drawings at the 75% and 90% completion stages. The purpose of these submissions will be for the staff to determine compliance with the Final Development Plan, including the design intent expressed in the accompanying graphic materials and with this decision and the conditions imposed hereby. During the reviews the staff shall determine whether or not the project has undergone any modifications which would constitute an amendment to the Final Development Plan under Section 12.37. The applicant shall receive written certification that such reviews have been made.

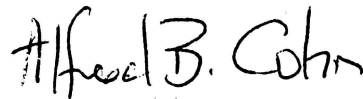
11. Compliance with each of the conditions contained in this decision shall be conclusively evidenced by a written certificate signed by the Board. The Board reserves the right to waive compliance, in whole or in part, with any or all of such conditions by a written instrument signed by the Board; such waiver shall not constitute an amendment to the Final Development Plan.

Severability

If any other term, provision, finding or condition of this Decision is determined by a court of competent jurisdiction to be invalid, that determination shall not affect the validity of their Decision as a whole or any other term, provision, finding or condition.

THIS APPROVAL OF THE APPLICATION for a PUD Special Permit, under Section 12.364 of the Zoning Ordinance, has been made by the affirmative vote of two-thirds of the members of the Planning Board on October 9, 1979. The votes of the members of the Planning Board were as follows: Alfred B. Cohn, Geneva Malenfant, John O'Connor, David Kennedy and John Woolsey were present and voted in favor. Paul Dietrich (disqualified) and Arthur Parris were absent.

For the Planning Board



Alfred B. Cohn

Vice Chairman

ATTEST: We, Richard L. Friedman and Peter Chermayeff, duly authorized representatives of the Applicant, have read this decision and hereby agree to the foregoing conditions upon the approval by the Planning Board.

Date: October 9, 1979

Kennedy Square Associates

By Richard L. Friedman

Richard L. Friedman as General Partner of Carpenter Associates,

By Peter Chermayeff

a general partner of Carpenter Cambridge Associates, managing general partner

Peter Chermayeff on behalf of Cambridge Seven, Inc., a general partner of Carpenter Cambridge Associates, Managing General Partner.

ATTEST: A true and correct copy of the decision filed with the office of the City Clerk on October 10, 1979 by Donald R. DeLam 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 days have elapsed since the filing of this decision. No appeal has been filed _____

Appeal has been filed but has been dismissed or denied _____

Date: _____

City Clerk

City of Cambridge



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

TO: Kennedy Square Associates, Applicant/Developer

Parties in Interest as defined in
M.G.L. c.40A, 11.

Persons Present at Hearing

Who Requested That Notice be Sent and Stated the
Address to Which Notice Was to be Sent (if any).

CASE NO.: PB-2

PETITION: Special Permit for a Planned Unit Development

PROJECT: Kennedy Square Mixed Use Development

APPLICANT/
DEVELOPER: Kennedy Square Associates, a joint venture of
KSA Properties, Inc. and Carpenter/Cambridge
Associates

DISTRICT: PUD-1

DEVELOPMENT PARCEL LOCATION: Parcel 1B, Southwest Sector,
Harvard Square

OWNER: The Commonwealth of Massachusetts

APPLICATION DATE: June 6, 1979

FIRST PUBLIC HEARING: July 12, 1979

PLANNING BOARD DETERMINATION: Conditional Approval - July 31, 1979

FINAL DEVELOPMENT PLAN SUBMISSION: September 7, 1979

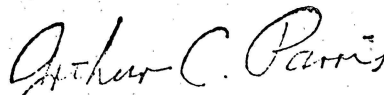
SECOND PUBLIC HEARING: September 18, 1979

PLANNING BOARD DECISION: October 9, 1979

NOTICE

You are hereby notified, in accordance with Section 15 of Chapter 40A of the Massachusetts General Laws that the Planning Board of the City of Cambridge, by Decision dated October 9, 1979, has GRANTED the Special Permit requested in the above-referenced application, subject to Conditions set forth therein and accepted by the Applicant/Developer. Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of this notice in the office of the Cambridge City Clerk. Section 17 of Chapter 40A of the Massachusetts General Laws requires, inter alia, that any action appealing a decision of the special permit granting authority be brought within twenty (20) days after the Decision has been filed in the office of the City Clerk.

FOR THE PLANNING BOARD



Arthur C. Parris, Chairman

Dated: October 16, 1979



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

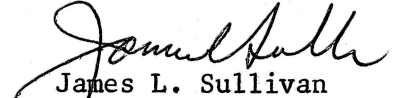
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

October 29, 1979

To the Honorable, the City Council:

I transmit herewith "Notice of Decision" of the Cambridge Planning Board, relative to the petition from the Kennedy Square Associates for a special permit for a Planned Unit Development in Parcel 1B, Southwest Sector, Harvard Square.

Very truly yours,


James L. Sullivan
City Manager

JLS/b

Agenda #1

0-53

"Notice of Decision" from the Planning Board re: petition from the Kennedy Square Associates for a special permit for a Planned Unit Development in Parcel 1B.

In City Council,
October 29, 1979

10/29/79

- Placed on File -