

## NOTICE OF DECISION

Case No: #180

Address: 0 Arrow Street

Zoning: Office 3 District/Harvard Square Overlay District

Owners: Gregory C. Carr Foundation, 30 Brattle Street,  
Cambridge, Massachusetts 02138

Applicant: Gregory C. Carr Foundation

Date of Application: March 6, 2003

Date of Public Hearing: April 1, 2003

Date of Planning Board  
Decision: May 6, 2003

Date of Filing of Decision: June 27, 2003

APPLICATION: Special Permit to permit a four-story building containing a 300-seat theater and 23,774 square feet of office space in an Office 3 District. Requested relief includes elimination of required loading bays, reduction in required parking, and waiver of side yard requirements, all permitted in the Harvard Square Overlay District (Section 20.50); theater use in an Office 3 District, Section 4.35 h.

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 Office of Community Development and the City Clerk.

Authorized Representative to the Planning Board

For further information concerning this decision, please contact Liza Paden at 617-349-4647, TTY 617-349- 4621, email at [lpaden@Cambridgema.gov](mailto:lpaden@Cambridgema.gov).

Case No: #180  
Address: 0 Arrow Street  
Zoning: Office 3 District/Harvard Square Overlay District  
Owners: Gregory C. Carr Foundation, 30 Brattle Street,  
Cambridge, Massachusetts 02138  
Applicant: Gregory C. Carr Foundation  
Date of Application: March 6, 2003  
Date of Public Hearing: April 1, 2003  
Date of Planning Board  
Decision: May 6, 2003  
Date of Filing of Decision: June 27, 2003

**Documents Submitted:**

Special Permit application dated March 2003, containing application form; introduction; Dimensional Form; Project Description, Compliance with the zoning ordinance, incentive zoning payment calculation, ownership certificate; Plans and Drawings, existing site photographs, floor plans, elevations, and a transportation report.

**Other Documents Submitted**

1. Harvard Square Advisory Committee Reports, dated 8/9/02 and 3/25/03.
2. Copy of a letter to Aileen Maguire, Howard/Stein-Hudson Associates, Inc. from Jeff Paretti, Traffic Engineer with the City of Cambridge, dated 8/26/02, not certifying the traffic study.
3. Copy of a letter to Aileen Maguire, Howard/Stein-Hudson Associates, Inc. from Jeff Paretti, with a copy of a letter from Barry Pell, Rizzo Associates, Traffic Engineer for the City of Cambridge, dated 10/9/02, certifying the traffic study.
4. Letter to Elizabeth M. Paden, Community Development Department, from Paul Jakubowski, dated 10/3/02 explaining the changes in the revisions to the submission.
5. Letter to Elizabeth M. Paden, Community Development Department, from Paul Jakubowski, dated 11/5/02 advising that the application would be amended and to not schedule a public hearing.

6. Letter to Elizabeth M. Paden, Community Development Department, from Paul Jakubowski, dated 11/8/02 requesting an extension for the time of the public hearing to January 21, 2003.
7. Letter to Elizabeth M. Paden, Community Development Department, from Paul Jakubowski, dated 1/15/03 requesting an extension for the time of the public hearing to March 4, 2003.
8. Notice of Decision for a minor amendment to extend the time for the public hearing to March 4, 2003.
9. Letter to Elizabeth M. Paden, Community Development Department, from Paul Jakubowski, dated March 2, 2003 requesting an extension for the time of the public hearing to April 1, 2003.
10. Letter to the Planning Board from Charles M. Sullivan, Executive Director of the Cambridge Historical Commission dated 3/25/03, issuing a Certificate of Appropriateness for the proposal.
11. Letter to the Planning Board from Susan Clippinger, dated 3/26/03, with comments on the proposal.
12. E-mail to the Planning Board from Jinny Nathans, 1134 Mass Avenue, dated 3/26/03, supporting the proposal.
13. Letter to Liza Paden for the Planning Board from David Chilinski, Wendy Prellwitz and Judith Salvi, dated 3/24/03, supporting the proposal.
14. Letter to the Planning Board from Erin Park Cohn, Executive Director of the Harvard Square Defense Fund, dated 3/24/03 supporting the proposal.
15. Memo to the Planning Board from Susan Clippinger dated March 26, 2003 outlining recommended pedestrian improvements.
16. Letter to the Planning Board from Rachael Solem, of the Irving House, dated 3/31/03 supporting the proposal.
17. Letter to the Planning Board from Marilyn Wellons dated May 6, 2003 outlining objections to the granting of the permit (accompanied by a map showing residential areas in the vicinity of the site)
18. Letter to the Planning Board from Susan Holcombe dated May 6, 2003 objecting to the permit as requested.

## **Findings**

### **1. Compliance with the general purposes of the Harvard Square Overlay District (Section 20.52)**

*a. Preserve and enhance the unique functional, environmental and visual character of Harvard Square.*

The project's use and design, including its massing and materials, complement the surrounding structures and development in Harvard Square generally. The proposal introduces a dramatic building form, i.e. a freestanding theater, on a prominent site. The use itself expands the array of cultural and commercial services available within the Square; this performing arts theater can be expected to be an important addition to the cultural life of Harvard Square and to the greater Cambridge community.

The theater will be built within a heterogeneous environment of buildings and uses. Commercial, residential and cultural activities abound in a mix of buildings of different scales and materials. The site itself is bounded by both some of the largest buildings in Harvard Square and some of the smallest. The building has been carefully designed to bridge those two extremes with facades that are enlivened with much detail and strategic setbacks that provide a transition to the smaller structures. The landscaped pedestrian passageway between Arrow Street and Mt. Auburn Street formally serves a neighborhood circulation function that has informally occurred on the current vacant site for many years.

*b. Mitigate the functional impacts of new development on adjacent residential neighborhoods.*

Almost any other permitted use of the site, such as for example a 55,000 square foot office building, will impact the adjacent neighborhood adversely.

The Gross Floor Area within the building is 74% of that permitted on the site (earlier office buildings permitted for the site made full use of the GFA allowed in the Office 3 District). Furthermore, the uses contained within the building moderate the impact on the abutting Riverside neighborhood because of the differing times of day and week each use is most active on the site. The relatively small component of general office use (ca 23,000 square feet) will generate traffic and deliveries through the day while the theatre use will have its greatest activity in the evenings. The much-reduced volume of office activity on the site will reduce proportionately the amount of trash and waste generated and the daily volume of deliveries to the site. The ca 15,000 square feet of theater space will assure a significant reduction in trash generation and loading compared to any likely alternate use the site might be put to. The 24 regular and tandem parking spaces to be provided nearly fulfill the parking requirement for each use under the shared parking provisions of the Zoning Ordinance [See Finding #5, Conformance to Section 20.54.4 (2)].

The critical Mt. Auburn Street façade facing the neighborhood contains a significant amount of ornamental detail and fenestration. The highest portions of the building visible from that direction have been stepped back from the principal façade. The project's environmentally sensitive geothermal cooling system brings with it the benefit that there will be no noisy or unsightly cooling towers or mechanical equipment visible or audible from Riverside or anywhere else in the neighborhood. The pedestrian passageway between Arrow Street and Mt. Auburn Street and the new planted area along Mt. Auburn Street will provide important new amenities to neighbors.

*c. Maintain the present diversity of development and open space patterns and building scales and ages.*

In 1989, as part of an earlier approved office building scheme for this site, a wood-framed structure was relocated from this development site to an adjacent parcel. That relocated structure, along with a second building on the adjacent parcel and the wooden structure at 15 Mt. Auburn Street, were permanently protected with preservation easements granted to the Cambridge Historical Commission. That action was most important in helping to preserve the group of wood-framed and brick former dwellings that cluster here between Massachusetts Avenue and Mt. Auburn Street, at a time before the establishment of the Harvard Square Conservation District. That preservation gesture paved the way for a larger building on this site, like the currently proposed theater, which more directly references nearby larger masonry buildings such as the adjacent Reversible Collar Factory and the Longfellow Court apartment building across Arrow Street. Features like the cupola, rounded elements and other distinctive design aspects of the building's design will contribute to the architectural diversity of Harvard Square. The project also includes a landscaped open-air courtyard and pedestrian passageway from Arrow Street to Mt. Auburn Street and a new planted area along Mt. Auburn Street.

With actions taken on February 6, and February 26, 2003 the Cambridge Historical Commission approved the design for the theater building as required under the provisions of the Harvard Square Conservation District.

## **2. Compliance with the general development guidelines outlined in the Harvard Square Development Guidelines and Bow and Arrow Street Subdistrict.**

*a. Preserve historically or architecturally significant buildings and structures as well as those that contribute to the distinctive visual character or historical significance of the District*

The existing wooden structure at 15 Mt. Auburn Street, which currently houses the offices of a software company, will be preserved and will continue to be used for offices.

*b. Sustain the vitality of the commercial environment by preserving architecturally significant or original building fabric where it currently exists. When this is not possible, support creative, contemporary design for storefront alterations and additions.*

The project is a thoughtful use of the empty site, knitting together the gap in the pedestrian streetscape between Harvard Square and points east, complementing surrounding improvements, providing a passageway from Arrow Street to Mt. Auburn Street and adding a new element to Harvard Square's cultural environment. Particularly on its Arrow Street side, the design introduces an engaging and accessible ground floor that has the potential to accommodate a wide range of pedestrian friendly activities in the years ahead.

The proponents have worked with the Harvard Square Advisory Committee over a number of meetings, and with adjacent residents and property owners, to fashion a building design that is sensitive to interests of its immediate abutters as well as the larger Harvard Square community.

*c. Support creative, contemporary design for new construction that complements and contributes to its immediate neighbors and the character of the District. Recognize and respect creativity of design and mitigate the functional impact for development on adjacent areas.*

By virtue of its low-intensity use; low generation of trash, traffic and noise; its rooftop garden; geothermal cooling system; and relatively small size; this theater project will be less disruptive to neighbors than virtually any other likely use of the site. The building has been designed to be both aesthetically pleasing and environmentally sensitive. As suggested above, the building repairs a conspicuous void in the streetscape of Harvard Square, replacing a parking lot with a dramatically designed building visible from Massachusetts Avenue.

*d. Build on and sustain the diversity of existing building form, scale and material. Preserve and encourage flowers, green yards and courtyards, and small, freestanding and wood-frame buildings where that character prevails. Encourage street wall buildings where that character has been set. Encourage ground level, small-scale storefronts to preserve the vitality and character of the streets.*

The project will include roof gardens, a landscaped pedestrian passageway from Arrow Street to Mt. Auburn Street, a landscaped courtyard and a planted area along Mt. Auburn Street. The existing freestanding wood-frame building at 15 Mt. Auburn Street will be preserved. The box office and theater entrance have been designed to create an interesting and inviting pedestrian streetscape along Arrow Street. The design of the ground floor at Arrow Street will provide needed pedestrian interest.

*e. Expand the high quality public environment established in the heart of the District with attractive and compatible materials, lighting and street furniture.*

The adjacent public sidewalks will be restored, a new pedestrian passage between Mt. Auburn Street and Massachusetts Avenue will be created, and a publicly-oriented plaza will be established at the entrance to the theater space.

*f. Expand the network of pedestrian walkways and paths wherever they can conveniently provide alternative routes through the District. Increase public access to alley and interior spaces where appropriate, and upgrade paving and landscaping of such pathways and spaces. Enhance accessibility and safety for pedestrians throughout the District.*

The sidewalks surrounding the site will be improved to a level that is consistent with a first-class performing arts theater and office building. The landscaped pedestrian passageway between Arrow Street and Mt. Auburn Street will be an important neighborhood amenity.

*g. Encourage new residential projects in the district, especially in mixed-use buildings, and support existing residential uses.*

The project does not contain any residential elements.

*h. Encourage projects that will maintain a wide diversity of uses serving the needs of surrounding neighborhoods, students and visitors from around the world.*

The Market Theater will re-introduce live theater to Harvard Square and will be an amenity serving residents, visitors, and students alike.

*i. Encourage creative solutions to the District parking and transportation needs, including the problem of on-street deliveries. Discourage loading docks, which do not generally contribute to the historic character of the street.*

The project's trash and loading needs are minimal and do not require loading docks. Loading and trash removal can be accommodated at Mt. Auburn Street which, though a busy street, is wide and easily accessed. Though public transportation and the off-hours nature of the theater use make parking less problematic than would be the case for other likely uses, the project will include 21 full-size and compact-size spaces and three tandem parking spaces within the building (See Finding #5). In addition, as demonstrated in the Traffic Study, public parking is generally available at area parking garages in the evening when the theater demand is at its greatest.

*j. Bow and Arrow Streets Subdistrict.*

The Bow and Arrow Streets Subdistrict is notable for its widely varied inventory of historic structures, both in their scale and character, and as the location where commercial Harvard Square transitions abruptly to the small scale residential

neighborhood of Riverside. The objectives for this district encourage respect for and response to those two prevailing characteristics.

As noted above, the theater project complements, in size, materials and style, the other prominent structures in the Bow and Arrow Streets Subdistrict: St. Paul's Church, the Old Cambridge Baptist Church, Longfellow Court and the Reversible Collar Building. The design has strived to soften the transition from larger scale buildings at Massachusetts Avenue to the smaller residential structures at Mt. Auburn Street by making the theater project shorter and smaller than is permitted (56' instead of 60'; with an FAR of 2.22 instead of 3.0); by employing a combination of colors, materials, ornamental detail, and, fenestration; rooftop gardens; a geothermal cooling system and other elements to soften the impact of this larger structure on its smaller commercial neighbors and the residential neighborhood across Mt. Auburn Street.

#### **4. Conformance to Article 19.30 - Citywide Urban Design Objectives**

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

The theater project will create a destination location at the eastern edge of Harvard Square, filling in the current gap in the pedestrian streetscape and connecting Harvard Square with the stretches of Massachusetts Avenue and Mt. Auburn Street lying between Harvard Square and Central Square. Setbacks of the theater from the surrounding streets will be consistent with neighboring buildings, which for the most part are streetwall structures along their abutting streets and party wall buildings along their side lot lines. The design of the project, including the facade and exterior materials, are sympathetic to the surrounding improvements and complement the Harvard University structures and the Old Cambridge Baptist Church located across Massachusetts Avenue, and St. Paul's Church, the Reversible Collar factory and the other brick buildings along Mt. Auburn Street. The project reinforces the existing pattern of discrete, often freestanding buildings having a strong individual character. This is an infill project completing an urban environment now nearly fully realized.

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

The theater project is located close to the Harvard Square MBTA station and along active bus routes. Sidewalks on both sides of the theater will be improved and maintained to facilitate a continuous flow of pedestrians, and the entrance to the theater will include a gathering area for theatergoers. The lobbies and facade are oriented toward the street and sidewalk. The Foundation will work with the art groups and other users of the facility to arrange for appropriate bicycle storage. The style, massing and materials of the exterior of the building are sympathetic to pedestrian street life and neighboring structures and uses, and the landscaped pedestrian passageway between Arrow Street and Mt. Auburn Street will be an amenity to pedestrians formalizing an already well-established pedestrian route through the neighborhood.

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

Compared to full-size office or hotel uses - the most likely alternative uses of the site - the mixed-use theater project will create far less traffic, trash, water and sewer usage and other environmental impacts. There will be no loading docks. Trash and loading needs can be accommodated at the Mt. Auburn Street side of the building. The project will include interior parking for up to 24 cars (21 regular and 3 tandem spaces). The project will include an open courtyard and pedestrian passageway between Mt. Auburn Street and Arrow Street. The Foundation has included in its design fenestration and other ornamental elements to soften the visual impact of the building. Heating and cooling of the building will be accomplished with a geothermal system that will allow the building to operate without noisy and unsightly rooftop cooling towers and related mechanical systems. In addition, the rooftop will contain plantings that will be aesthetically attractive, freshen the air in the neighborhood and reduce heat from the roof.

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

In terms of traffic, water and sewer usage, trash and other burdens on City infrastructure services, the mixed-use theater project is less dense than other likely alternate uses of the site and is not expected to burden the city's infrastructure.

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

The theater project includes a mix of performance and office uses oriented to the street in a structure that complements in size, character and materials the surrounding Harvard Square neighborhood.

*19.36 - Expansion of the inventory of housing in the City is encouraged.*

The theater project does not include any residential units.

*19.37 - Enhancement and expansion of open space amenities in the City should be incorporated into new development in the City.*

The theater project includes a landscaped courtyard area and pedestrian passageway between Arrow Street and Mt. Auburn Street, as well as a planted area along Mt. Auburn Street.

## **5. Conformance to Section 20.54.4 (2) - Criteria for Exemption from Parking and Loading Requirements**

Under Section 6.36, the theater project would require a minimum of 29 parking spaces, based upon the office and theater mix of uses, and based upon the assumption that the

project would receive the benefit of Section 6.35.1.3, which allows for the “shared” use of the spaces by the daytime office activities and nighttime theater events (A total of 44 spaces would be required without taking advantage of the shared use provisions).

Under Section 6.83, the building would require a minimum of 2 loading bays, based upon the proposed mix of uses.

It is proposed to reduce the number of parking spaces provided to twenty-one fully compliant parking spaces plus three tandem spaces and the number of loading bays to zero (0) pursuant to Section 20.54.4.2. As required under Section 20.54.4.2 the Planning Board makes the following findings.

*a. The development authorized is reduced to 80% or less of the maximum permitted on the lot, or a payment to the Harvard Square Improvement Fund is made.*

The total development authorized on the site is 41,314 square feet of Gross Floor Area. That constitutes approximately 74% of the maximum Gross Floor Area permitted on the site. With that reduction in size the project is not required to make a money payment into the Harvard Square Improvement Fund.

*b. The subject lot is sufficiently small in size so 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).*

At slightly less than 19,000 square feet, this lot is in the middle range of lot sizes in Harvard Square but well above the threshold of 10,000 square feet identified in 20.54.4. A roughly 4,000 square foot portion of the lot is treated, in visual terms, as a discrete lot, with the existing wood framed structure on it retained. The remaining portion of the lot, assembled from four lots containing three freestanding wood frame structures that were moved or demolished in the late 1980s, is not dissimilar in size and scale to adjacent lots housing St. Paul’s Church, the Reversible Collar Factory, and the Longfellow Court Apartments. As indicated above, the pattern of small-scale buildings that is an important part of this neighborhood’s urban pattern has been in part protected by proponents of the earlier office development on this site through a preservation easement; they are now protected by the Conservation District. The widths of the highly articulated facades of the theater building on both Mt. Auburn Street and Massachusetts Avenue are less than those for either the adjacent Collar Factory or the nearby Longfellow Court. Within the context of the many larger buildings found throughout the Bow and Arrow Streets Subdistrict, the theater maintains the pattern of buildings of various scales having independent and separate identities that is a hallmark of the Subdistrict.

*c. The requested exemption will result in a building design that is more appropriate to its location and the fabric of the neighborhood and is in*

*conformance with the objectives and criteria contained in the Harvard Square Development Guidelines.*

As set forth throughout these findings, the proposed theater construction is fully consistent with the Harvard Square Development Guidelines. Also as elsewhere noted, the waiver of parking proposed is very modest (eight spaces if the shared use special permit were granted, twenty spaces if that especially relevant provision were not applied to the project). Expensive architectural solutions to provide those additional spaces would be unreasonable.

Waiver of the requirement for two loading bays has greater architectural and environmental significance. The two bays would require an additional twenty-foot wide and fourteen foot high opening on one of the façades of the building. Physical constraints at Arrow Street suggest that loading would be serviced off of Mt. Auburn street if it were to be provided. Such an addition to the façade on Mt. Auburn Street would be visually disruptive (particularly for the residential neighbors across the street), a serious inconvenience to pedestrians walking along the sidewalk, and likely to complicate the location of the theater auditorium within the building. While Mt. Auburn Street is wide enough to permit truck movements within its right of way, its volume of traffic is significant and such operations would be quite disruptive. Location of a conforming loading bay on Arrow Street is probably not physically feasible given the constraints on maneuvering a large vehicle on narrow Arrow Street. Accommodating any vehicular circulation on Arrow Street would destroy the coherence of the design proposed and, even more than on Mt. Auburn Street, cause significant disruption to pedestrian movement along the sidewalk.

Section 20.54.4 does not require the Planning Board to make a finding that the required loading facilities are not necessary or that their elimination will not cause disruption. Nevertheless, it is the Board's view that the necessary loading functions for the office component of the building and for the theater can be accommodated within the parking garage or off of either Mt. Auburn or Arrow Streets. Deliveries to the offices within the building can be expected to be principally from small vans, at either entrance, which typically park on the street and do not make use of available off street loading docks. The theater, which occupies the bulk of the building, will have heavy but infrequent loading demands that can be accomplished from the street. A permanent defacement of either of the building's façades to accommodate the infrequent but large, or frequent but small, loading demands would be inappropriate.

*d. No National Register or contributing building shall be demolished or so altered so as to terminate or preclude its designation as a National Register or contributing building.*

No such building will be demolished or altered.

*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 this application.*

No such building has been demolished or altered within the past five years.

**6. Conformance to Section 20.54.5.2 - Exemption from Yard Requirements**

The application requests a waiver of the yard requirements of Section 5.30, pursuant to Section 20.54.5.2. As required under Section 20.54.5 (2) the Planning Board must make the following findings:

*a. The design of the theater project will be in conformance with the objectives and criteria contained in the Harvard Square Development Guidelines..*

The Planning Board has found that the project is fully consistent with the Harvard Square Development Guidelines.

*b. No National Register or contributing building shall be demolished or so altered so as to terminate or preclude its designation as a National Register or contributing building.*

No such building has been demolished or altered.

**7. Conformance to Section 10.43 – General criteria for the issuance of special permits.**

While the Planning Board must find that all relief granted meets the following criteria, only these criteria are established in the Ordinance for a theater use in an Office 3 District.

*a. The requirements of the Ordinance can be met.*

With the granting of the special permits requested in this application the theater project will comply with all requirements of the Ordinance, including the provisions of the Harvard Square Overlay District.

*b. Traffic generated and patterns of access and egress will not cause hazard or congestion or change in the neighborhood character.*

The project will not cause hazard or congestion or change the character of the neighborhood as a result of the traffic entering or leaving the site.

For at least ten years the site has accommodated between ten and twenty vehicles that have had access to the site from both Arrow Street and Mt. Auburn Street. With twenty-six permanent spaces proposed, the automobile traffic to and from

the site during the day will not differ significantly from that which has been experienced by the neighborhood for the last ten years. Nearly all the required parking to serve the daytime demand of the office component will be accommodated on site.

The theater introduces a new use that extends the time people will be coming to the site to the mid to late evening activity of the theater patrons. While a formal theater is not located in the immediate neighborhood now, places of assembly are well represented by St. Paul's Church and the Old Baptist Church. These facilities on occasion accommodate evening activities in addition to their weekend religious services.

This theater/general office combination is a classic example of activities whose peak demand for parking occurs at different times of the day. Recognizing this, Article 6.000 of the Zoning Ordinance allows a sharing of parking between uses like the theater and the proposed office space. Utilizing that provision, the parking proposed to be provided on site is only six spaces short of full compliance with the zoning requirement for all the uses proposed.

Nevertheless, the parking provided cannot serve all patrons of the theater if all chose to arrive by car. Were that to be the case, there might be significant negative impact on the abutting residential Riverside neighborhood during performances at the theater. Several important factors, however, militate against that outcome. The theater is within Harvard Square where the best transit service in the city is available, serving both Cambridge and the larger regional community. It can reasonably be expected that a significant number of patrons will be able to reach the theater by either public transit or by walking from nearby neighborhoods.

As the traffic report submitted with the application indicates, those driving to the theater will include a high proportion of multiple occupancy vehicle trips, further reducing the parking demand. Those who do drive will be coming in the evening when the parking demand from the Square's office uses will be at its lowest point and when the demand from retail activities will be diminishing. The traffic report indicates that some off-street commercial parking capacity is available even on a peak demand Saturday evening. It is not expected that the theater will add an unreasonable additional burden on Riverside and MidCambridge neighborhood streets as a result of Cambridge residents who might be coming to the theater and who could legally park on those neighborhoods' streets. Experience at the Loeb Theater on Brattle Street, the movie theater in the center of the Square, and the old Market Theater location on Winthrop Square, none of which is served by off-street parking, suggest that such activities can operate without unacceptable negative impacts even without a large component of on-site parking.

*c. The operation or development of adjacent uses will not be adversely affected.*

The site is surrounded by a range of institutional, office, retail and residential uses. Numerous retail stores, small and moderately sized restaurants, and upper story office and residential uses occur in the immediate vicinity of the site. Small-scale residential housing predominates across Mt. Auburn Street in the Riverside neighborhood. The core of the Harvard University Campus lies just to the north of Massachusetts Avenue. Despite a variety of base zoning designations (Residence C-2B, Office 2 and 3, Business B) that nominally restrict development predominantly to residential, office or retail uses, the entire district is a uniformly urban, mixed-use commercial area with shopping and recreational activities occurring regularly into the evening. The theater introduces a new entertainment use not found in this neighborhood of Harvard Square except at a much more limited scale at the two nearby churches. The theater will undoubtedly increase the amount of street activity occurring in the vicinity later into the evening.

Such an entertainment facility at this moderate scale is fully compatible with the existing commercial environment surrounding it. However, residents making their homes here are the persons most likely to feel the impact both positive and negative most directly. For them, most significantly, the theater will be most active in the evening rather than through the day, which would have been the case with the construction of an office building on the site. However, that activity will be concentrated at the main entry to the theater at the Arrow Street end of the building just off of busy Massachusetts Avenue. And it will be limited in time to small periods at the beginning and the end of performances.

The theater will likely be a supportive presence for many of the retail enterprises in the area, a positive presence for the nearby Inn at Harvard, and for many nearby residents a positive cultural amenity. Any disruption is likely to be limited, concentrated in time, and not significantly different from the kinds of street activity already present.

Physically the structure has been designed to be a good and sympathetic neighbor for the small wood and brick structures that immediately abut it on Arrow and Mt. Auburn Streets.

*d. No nuisance of hazard will be created to the detriment of the health, safety and welfare of future residents or the citizens of Cambridge.*

No nuisance or hazard will be created. The geothermal heating and cooling system and low-intensity use of the facility for most of the time will make the theater a better neighbor from that perspective than most other uses that might occur on the site.

*e. The use will not impair the integrity of the District or adjoining districts or otherwise derogate from the intent and purpose of this Ordinance.*

For all the reasons set forth above the theater and office building will not impair the integrity of the Office 3 District within which it is located, the Business B, Office 2 and Residence C-2B Districts adjacent to the site or the Residence C-3 District in Riverside across Mt. Auburn Street. The use is fully consistent with the intent and purpose of the set of regulations applied to this site within Harvard Square.

### **Decision**

Based on a review of the application documents, comments made at the public hearing and based on the above findings, the Planning Board **GRANTS** the Special Permit subject to the following conditions and limitations.

1. All use, building construction, and site plan development shall be in substantial conformance with the plans and application documents submitted to the Planning Board as referenced above and dated February 6, 2003 and revised March 3, 2003. Appendix I summarizes the dimensional features of the Project as approved.
2. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for the project, the 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 Permit.
3. The conditions and requirements of the Parking and Transportation Demand Management Final Decision (#F-31) issued shall be requirements of this Permit.
4. The Permittee shall install the improvements set forth in the March 26, 2003 memo to the Planning Board from Susan Clippinger referenced above, in the manner described. Those improvements shall be completed before issuance of the Final Occupancy Permit for the building
5. All authorized development shall conform to the requirements of the City of Cambridge "Noise Control Ordinance," Chapter 8.16 of the City Municipal Code.
6. The theater project is subject to the Incentive Zoning provisions of Section 11.200. Based upon the gross floor area of 41,314 square feet, the Foundation shall make a payment to the Managing Trustee of the Affordable Housing Trust or its designee in the amount of \$127,310 (41,314 square feet minus 2,500 square feet equals 38,814 square feet times \$3.28 per square foot equals \$127,310) on or before the issuance of the first Occupancy Project for the building. [**Note:** *The City Council is currently considering an amendment to Section 11.200 of the Zoning Ordinance, which would increase the per-square-foot payment required for Incentive Projects. Should that proposed amendment be adopted this project shall be subject to all of its provisions and the required payment may be adjusted upwards.*]

7. The pedestrian passageway from Arrow Street to Mt. Auburn Street shall be open to the general public at reasonable hours, generally from 7:00 A.M. to 11:00 P.M., except for occasional interruptions that may be required for events associated with the theater. The Permittee may request a modification of this Condition as a Minor Amendment to the Permit should public use of the walkway be found to be a significant nuisance to the operation of the theater, result in an unsafe environment, or cause harm or otherwise become a nuisance to abutters of the project.

Voting in the affirmative to **GRANT** the Special Permit were T. Anninger, L. Brown, H. Russell, F. Darwin, B. Shaw constituting more than the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,

Thomas Anninger

A copy of this decision, #180, shall be filed with the Office of the City Clerk. Appeal, 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 June 27, 2003 by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise have been filed with the City Clerk on such date. Twenty days have elapsed since the filing of the decision.

No appeal has been filed.

DATE:

City Clerk  
City of Cambridge