date: 4 February 2014
re: Special Permits for the 40 Thorndike Street Development

To the Cambridge Planning Board, City Council, Public Representatives, and Mayor:

We are the association of condominium owners in the historic 1827 church at 101 Third Street that diagonally abuts the Middlesex Courthouse/Jail building at 40 Thorndike Street. Kindly take this as a formal request to deny the special permit applications from Leggat McCall that are required for their proposed renovation. We would love to see a vibrant development, but there are fundamental reasons why this project should not be permitted to proceed in its present form:

1. Parking: A $200m high-rise construction that abruptly adds 2000 or more people within a single town block must provide ample parking; but: adding just 92 new spaces falls far short of what is needed. The First Street Garage was not envisaged with this sort of single load in mind, and the proposed plan to lease the balance of its available capacity will acutely impact future needs. We understand Leggat McCall floated the idea of building a grocery store in that garage. That might perhaps be nice for the neighborhood, and no doubt other amenities could be as well, but that, too, has a real impact on parking and must be weighed as a separate project on its own merits. Obviously, any leasing or redevelopment of that garage must be cleared via a normal, competitive bid process — not as an add-on or “deal sweetener” to this proposal. Yet even with dedicated parking, a building on this scale will bring an influx of visitors, consultants and shipments that will swamp available on-street parking.

We note that our 4-unit condominium building was renovated to include 7 underground spaces (1.75 per unit); so, we never impact on-street parking. If the proposed project followed our admirable example, we’d feel differently. But it simply does not create an acceptable parking solution, and it should not go forward without one. Parking cannot be improvised, or an afterthought.
2. Traffic: The Third Street corridor suffers from severe daily traffic jams during rush hour. By 5pm each workday, it’s a parking lot. That load will increase substantially in coming years as new occupants fill the many new buildings that have been (or are currently being) constructed. Where is the plan to remedy this? Third St is increasingly dangerous for pedestrians, and especially children. The proposed tower stands right on top of the daily choke points (intersections with Third & Cambridge, and Third & McGrath) which means that thousands of occupants and visitors will be spilling into the worst part of the jam.

Even if this proposal were not on the table, the City needs to first tackle the traffic problem on this corridor before inviting an even worse predicament.

3. Height: At nearly 300’ tall, the old Sullivan building exceeds the local zoned height limit (80’) by a whopping 3x. In fact, it is ~ 5x higher than most buildings in the vicinity, which are ~ 60’. Whatever the rationale, it was for a singular purpose: a public courthouse and high-security jail. That exception was regarded by many as unconscionable. If the old nonconforming building were razed, and a wholly new design created from the ground up, it is unthinkable that a new tower of equal height would be proposed, or that it could possibly receive the same peculiar zoning exception — particularly since it will be a private building with no intrinsic need for a height exemption.

Of course, there is one need: paying for this costly project. Like the Commonwealth, the Developer seeks maximum revenue from this property. By retaining every cubic inch of the old structure, they preserve the full, leasable volume in hope of retaining a height exception that most feel never should have been issued at all. And because they employ the existing structure, it will take longer and cost a good deal more to gut, remediate and renovate the building. This impacts the design. For instance, it limits excavation which is why there’s not adequate parking. All these costs and constraints will be passed on to future tenants in the form of high rent. This strikes us as exceedingly unwise.

For many reasons, continuing the nonconforming height of the old building for a new building in this neighborhood is unacceptable. This should properly be regarded as a new building: it replaces an old, nonconforming public building with a new, private, commercial building, radically rebuilt and repurposed. As such, it should conform to existing zoning requirements (80’ in height).

4. Infrastructure: Despite the touted LEED standards, this proposal bears telltale signs of less than first-rate choices. For instance, overhead utilities should be buried be-
neath sidewalks, not just to eliminate eyesores, but to reduce maintenance costs and provide more space for trees and pedestrians; rooftop machinery must be acoustically isolated to a **very strict standard**, and may require enclosing walls to prevent sound from vectoring down into the neighborhood; sidewalks should allow substantial trees and greenery with irrigation and seasonal change; lighting systems should be **all-LED** (not “low mercury”) and, along with HVAC, intelligently networked to save significantly on power and maintenance. We see no hint that any of this is being done, and we wonder: why not? For one thing, it may be that enclosing rooftop machinery would create the appearance of another floor or two in height, which the Developer would not want to signal at this stage. This does not bode well.

Given such a hugely disruptive proposed project, the City must not sign off on any hint of generic infrastructure. We should insist on the very best. These and other aspects should be thoroughly vetted by outside experts.

5. **Light Pollution**: As diagonal abutters, this is a serious issue for us. We appreciate why the Planning Board did not support the **Teague amendment** to the City’s Zoning laws concerning light pollution, but instead, favored strict **ordinances**. But whether via ordinance or via zoning, the question must be asked: how will a 22-story glass tower acceptably minimize light pollution? In fact, the permit application indicates that light pollution is **not** dealt with. Clearly, light will stream out of both the NE and SW sides of the glass tower and into most of our building’s skylights and windows. We see no hint of any control of light pollution. We also have not seen a simulation of reflected sunlight, which may scorch parts of Third Street. (Remember what happened with the Disney Hall in Los Angeles?)

In sum, there are serious flaws in the proposed design. It seems unlikely they can all be corrected. The flaws chiefly stem from arbitrary constraints: the Commonwealth seeks maximum revenues with scant regard for community planning. And a building on that scale never should have been here. So, developers are impelled to design onto the existing envelope in order to yield payback sufficient to cover the cost of renovation. These constraints drive the proposed building’s problems in height, bulk, parking, traffic, light pollution. In addition, while elements in the proposed infrastructure may meet common standards, many are less than exemplary: not a promising sign.

Moreover, such a building for such an intensely commercial purpose simply does not belong in a quiet residential zone. Cities are zoned into different districts — residential, retail/commercial, manufacturing, and so forth — for good reason. The old Sullivan building was a regrettable exception, and a dismal, costly failure. Instead of fixing this mess and remediating the site, the
Commonwealth aims to monetize it by flipping it into private hands and foisting it onto the City. To do so is wrong: it is unplanned, unnecessary, and reneges on the terms of an historic gift.

Seen in the larger plan of East Cambridge, the proposed building is not only placed in the wrong zone, but is redundant with other nearby areas. The Northpoint development adds $5,000,000 sqft of mixed-use space in a vast area that, because it was empty land to begin with and located so close to highways and transit lines, could truly be well planned and well served with parking, traffic, transit and parks all in good measure. It also spurred a *spectacular* park plan, with an extraordinary pedestrian bridge joining gorgeous public green spaces. A few blocks south, development in Kendall Square and MIT have rocketed ahead, and although we can all see the stretch marks, it is, again, a rapidly urbanizing area that was planned and developed with careful consideration. One Kendall Square is also undergoing an extensive master planning process. Those are well-planned, intensely urban nodes in which giant commercial buildings and acute commuter patterns make sense. A building like the one proposed by Leggat McCall would be right at home in those other areas. But at 40 Thorndike, it is an unwise, unplanned, enormous disruption. Note also that the Leggat McCall proposal began as a purely *commercial* building with no residences or retail space at all. After community protests, the plan was tweaked to include 15,000 sqft of retail area. One might ask, why in the world do we need retail space when there is a *one million* square foot mall, plus retail areas along Cambridge Street, First Street, Third Street, Kendall Square, One Kendall Square, Shaw’s Plaza, and soon, Northpoint: 1,500,000 — 2,000,000 sqft of retail within a mile’s radius, and plenty of it within just a few blocks. It’s clear that the proposed Leggat McCall building simply belongs somewhere else.

There is also an interesting but important history. We may be more aware of this than most, as our association’s namesake was also the first pastor of our historic church residence as well as the first Mayor of Cambridge: James D. Green. Contemporaneous with Mr. Green was Andrew Craigie, who was George Washington’s Apothecary General and is the man who created East Cambridge from virtually nothing. Craigie became a land speculator, and via his company, the *Lechmere Point Corporation*, he acquired 300 acres and gridded out streets, including the property in question plus the surrounding area. Craigie struggled to sell parcels therein for development, at first, until he hit on a creative idea: moving the courthouse and jail from Harvard Square to East Cambridge. He gifted the land; commissioned Charles Bulfinch (America’s first and finest architect at the time) to build an enviable and beautiful state-of-the-art courthouse and jail; donated $24,000 in cash for construction; and sure enough, development perked up. Importantly, Craigie’s generous donation served a public good: the gift was made with the proviso that the land be used in that way. Whatever one thinks of Craigie, had...
he not been in the picture, East Cambridge might have remained a marshy, malaria infested island for a long time. His gift created a felicitous balance of public and private space. James Green was a backbone of the community in East Cambridge, where he resided, and as Mayor of Cambridge he worked hard to establish and ensure wise growth for the City. Many years later, in the 1970’s, the beautiful Bullfinch plaza was on the verge of being bulldozed to become a parking lot for the Sullivan building (again, the parking issue). It was saved by dedicated citizens of Cambridge. We believe founding efforts and wise stewardship matter, and thus, the Commonwealth’s clumsy move to privatize Craigie’s public-spirited gift, and the plans that derive from it, are morally wrong.

Finally, we feel strongly that City Planners must put their foot down and insist on the best. To develop the great neighborhoods means planning thoughtfully and building wisely for future generations. It means nurturing growth to attract dedicated, caring citizens and enterprises — not just foisting it off on developers and commuters — and it means laying groundwork so that those who follow us will be proud to live here. The proposed idea is antithetical to such a plan. There really is no plan, and that’s no way to develop on this scale. Nowhere else in Cambridge is a residential area so crassly interrupted by such a massive, dense commercial building. We don’t entirely fault the Developers: this is mostly an aberration of the Commonwealth’s need to cash in on the failed Sullivan Courthouse. But two wrongs simply do not make a right.

Any of the problems we pointed out — parking, traffic, height, infrastructure, light pollution, inappropriate location, the historic and publicly-minded gift, the foolishness with respect to larger urban plans — strikes us as grounds for denying the special permit applications. Taken together, the conclusion is clear: in its current form, this is simply not a permissible design for residential East Cambridge.

Sincerely,

The James Green Condominium Association

Maya Bittar
Michael Hawley
Elizabeth Summons

Thomas J. Feraco
Nina You
Roger Summons