



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: May 12, 2022

Re: Special Permit PB-141 – Request for Approval of Seasonal Beer Garden

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Overview

Table with 2 columns: Field Name, Value. Rows include Submission Type, Applicant, Zoning District(s), Proposal Summary, Special Permits Requested, Other City Permits Needed, Planning Board Action, Memo Contents, and Other Staff Reports.

Table with 2 columns: Zoning Section, Required Planning Board Findings. Rows include 13.42.5 Other Uses Permitted in the PUD-3 District and Condition 2a. of Special Permit PB-141.

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## Staff Report

Date: May 12, 2022

Case: **PB-141 – Request for Approval of Seasonal Beer Garden**

Location: 300 Athenaeum Street, Henri A. Termeer Square

## Area Planning and Zoning

### Site Context

Neighborhood/Area: Kendall Square

Development Patterns: Henri A. Termeer Square (formerly “North Plaza”) is a privately-owned Publicly Beneficial Open Space developed as part of a mixed-use Planned Unit Development (PUD) approved by the Planning Board in 1999 (PB-141). It hosts passive and active recreation, including a seasonal skating rink in the winter. It is surrounded by commercial office/laboratory buildings with ground-story restaurant, retail and arts uses. There are larger multifamily residential buildings in the surrounding area, and the East Cambridge neighborhood is several blocks to the north.

### Site Zoning

General Description: The base zoning is Office-3A, a high-intensity office district. The PUD approved by PB-141 was permitted under the PUD-3 Overlay Zoning District requirements. In 2020, the City Council approved a new PUD at Canal District Kendall (PUD-CDK) Overlay Zoning District that also includes this site.

	Base District	Overlay District(s)
<b>District(s):</b>	Office-3A (O-3A)	PUD-3, PUD-CDK
<b>Allowed Uses:</b>	Residential, Office/Laboratory, and a broad range of Retail or Consumer Service Establishments in the ground story or basement (limited in total area).	PUD-3 permits a more limited range of Retail or Consumer Service Establishments than the base zoning. PUD-CDK permits most Retail or Consumer Service Establishments. In either case, the Planning Board may approve other uses by written determination.

### ***Development Plans and Guidelines***

- [Kendall Square \(K2\) Plan \(2013\)](#). Goals include to “Create Great Places: Improve existing public realm of the Square and create new open spaces and recreational facilities in tandem with future developments to create comprehensive public realm.” Recommendations include to “Add retail to create active ground floors and animate the streetscape.”
- Purpose of PUD-3 Overlay Zoning District includes “to provide for the creation of a high quality general and technical office environment which permits larger scale development and supporting commercial activities and which encourages strong linkages between new development at Kendall Square and along the East Cambridge riverfront” (Section 13.41 of the Zoning Ordinance).
- Purpose of PUD-CDK Overlay Zoning District includes “to promote and enhance the existing open space network within and surrounding the district through the public open space connections among Termeer Square, the plaza abutting the Broad Canal, the Broad Canal, public recreation pathways leading towards the Charles River, and future open space west of Third Street; and to provide unique community benefits through community arts and public gathering spaces.” (Section 13.201 of the Zoning Ordinance).
- [Retail Strategy for the City of Cambridge \(2017\)](#). Recommendations include “to build the experience of [Cambridge’s] diverse commercial districts through necessary public realm improvements, local activities, and events.”

### **Current Proposal**

#### ***Overview***

The proposal is to establish a seasonal beer garden in Henri A. Termeer Square. Alcoholic and non-alcoholic beverages would be served from an existing 250-square-foot service kiosk to patrons using the publicly beneficial open space. There would be no food service from the kiosk, but patrons will be able to get food from surrounding restaurants. The Planning Board had previously authorized a takeout barbecue use for this kiosk in 2011, but it has been vacant for some time.

Service would be limited to Thursday and Friday evenings and to Saturday and Sunday afternoons and evenings, during the months of June through October. The use would be complemented by outdoor games, and a nearby area would host performances.

In order to comply with alcoholic beverage regulations, a portion of the open space would be temporarily cordoned using planters and ropes. According to the proposal, any adults age 21+ with valid ID would be able to enter the cordoned area, with no purchase necessary. Children and adolescents accompanied by an adult could also enter. Alcoholic beverages would not be allowed outside of the cordoned area. When alcoholic beverages are not being served, the cordons would be removed so that the space would be open to all users. Existing restrooms on the opposite site of the kiosk would remain open to the public. The remainder of the open space would be unchanged by this proposal, and the ice skating rink is expected to return in the winter.

### ***Proposed Uses***

Based on the description of the use, it would most likely be classified as a “Temporary Outdoor Retail or Consumer Service Use” under the revised retail zoning adopted in 2021, based on the characteristics of being located within another principal use (Publicly Beneficial Open Space), using temporary and movable furniture, and operating for no more than 120 days in a calendar year. If it were not to meet the criteria for being “temporary,” it could be classified as a “Food Stand or Kiosk,” which would apply more generally to any food and/or beverage service (including alcoholic beverages, if properly licensed) of this size serving patrons within a shared or public area.

Both of the uses referenced above are permitted in the O-3A base zoning district. However, they are not explicitly permitted in the PUD-3 Overlay Zoning District. Since the existing PUD was authorized under the PUD-3 zoning, a determination by the Planning Board is required to authorize the use based on the criteria provided above.

In general, the proposed use is likely to contribute to activating the space and the surrounding area. Beer gardens have become more common in the Boston region, and outdoor spaces have been especially popular due to COVID-19 concerns. There are no outdoor beer gardens in Kendall Square, so this would be a new addition to the use mix that would complement the skating rink that has provided activation in the winter. One of the longstanding planning goals for Kendall Square has been to increase activation outside of normal weekday work hours, and the proposed evening and weekend hours are supportive of that goal.

### ***Design Review***

The design of publicly beneficial open space within this PUD is subject to Planning Board review. The Planning Board most recently approved a revised design of Henri A. Termeer Square in 2018, and the improvements were completed this year. (The seasonal skating rink was approved as part of the original PUD Special Permit.)

Although the proposed changes to the open space design would only use temporary and movable furniture and objects, staff determined that it would be appropriate for the Planning Board to review the changes.

Overall, the proposed temporary changes seem to provide the minimal necessary controls to operate the beer garden in accordance with alcoholic beverage regulations while minimizing the disruption to the open space as a whole. The programmatic and design details are inclusive and appealing. While the rope and planters do cordon off the area, they are subtle and moveable to maintain accessibility, and contribute to the ambiance of the open space. Traditional barriers will be limited in use. Opportunities for movable seating and activities both inside and outside of the controlled area will have a positive impact on the use and enjoyment of the space. The introduction of color and art will also help to enrich the space.

Staff recommends that if the Planning Board is supportive of the changes in concept, the implementation of the changes should be made subject to continuing review and monitoring by staff to ensure that the public qualities of the space are maintained and to advise on improvements that might

be made as the use is established. In particular, it may be useful to consult with staff that have been developing signage and other guidelines for “Privately-Owned Public Space (POPS).”

### **Planning Board Determination**

If the Board decides to make a determination approving the proposed use and temporary design modifications, staff recommends the following conditions be included in the determination, along with any other stipulations preferred by the Board:

1. The approved use shall be operated in accordance with the letter from the Kendall Square Corporation dated May 3, 2022.
2. The selection and placement of all temporary barriers, furniture, and other objects shall be subject to review by CDD staff to ensure that the space remains accessible and visually open to the extent possible while complying with alcoholic beverage regulations.
3. CDD staff shall be consulted on signage and other guidelines to promote awareness that the space will remain generally open to the public.