

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2014 SEP 8 PM 4 33

**NOTICE OF PRELIMINARY DETERMINATION
FOR PLANNED UNIT DEVELOPMENT PROPOSAL**
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Case Number:	179 Amendment #4 (Major)
Location of Premises:	O'Brien Highway at First and East Streets in the North Point District and the MBTA Green Line Lechmere Station at Cambridge Street and O'Brien Highway
Zoning:	North Point Residence District / PUD-6 Residence C-2B District / PUD-4A
Applicant:	CJUF III Northpoint LLC (see below)
Owners:	CJUF III Northpoint LLC c/o HYM Investment Group, LLC One Congress Street, Boston MA 02114 Boston and Maine Corporation Iron Horse Park, North Billerica, MA 01862 Massachusetts Bay Transportation Authority 10 Park Plaza, Boston, MA 02116
Application Date:	June 24, 2014
Date of Planning Board Public Hearing:	August 19, 2012
Date of Planning Board Determination:	August 19, 2012
Summary of Proposal:	Major Amendment to Planned Unit Development Special Permit (Sections 13.70 and 13.50) and Project Review Special Permit (Section 19.20) to allow modifications in parking and use program.
Determination:	APPROVED, with conditions and requests for modification.

Copies of this Preliminary Determination and plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Jeffrey C. Roberts JCR 9/8/14.

For further information concerning this Preliminary Determination, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Application for Amendments to PUD Development Plan and Project Review Special Permit, dated June 24, 2014, including Application Forms, Detailed Narrative of Proposed Amendments, and Exhibits.

Other Documents

2. Preliminary Determination Findings Checklist submitted by Community Development Department.
3. Memo to the Planning Board from Susan Clippinger, Director of Traffic, Parking and Transportation, dated August 19, 2014.

APPLICATION SUMMARY

The Application seeks a Major Amendment to Special Permit #179 first issued on March 11, 2003 and subsequently amended through Minor Amendments granted on March 6, 2007 and November 18, 2008 and a Major Amendment granted on November 16, 2012. The application represents a Development Proposal seeking a Preliminary Determination from the Planning Board in accordance with Sections 12.37 and 12.34 of the Zoning Ordinance.

One part of the Major Amendment Development Proposal seeks modifications to the parking characteristics of the previously approved Final Development Plan. The maximum number of off-street parking spaces in the Development Parcel would be reduced from 4,980, as currently permitted, to 3,807, exclusive of 300 spaces permitted for use by the MBTA. In order to accomplish this reduction, a special permit would be requested to reduce required parking below the minimum ratios set forth in the zoning ordinance (pursuant to Section 6.35.1), and a detailed set of maximum and minimum parking ratios would be applied to the Final Development Plan with some variation over the course of the phased development of individual portions of the development plan. Additionally, approval from the Planning Board is requested to permit the Development Parcel to be treated as a “shared parking district,” in which parking for individual uses may be provided at different sites within the Development Parcel and managed through the use of shared parking agreements.

The Major Amendment Development Proposal also seeks modifications to the approved program of uses to increase the maximum amount of Gross Floor Area that can be occupied by Retail and Consumer Service uses from a total of 150,000 square feet to 300,000 square feet, including a grocery store to occupy up to 50,000 square feet. The additional retail would be offset by a commensurate reduction in other commercial uses such that the total commercial Gross Floor Area would not be increased. The approval of retail Gross Floor Area exceeding 150,000 square feet and the approval of a single retail establishment exceeding 10,000 square feet require

explicit approval from the Planning Board pursuant to Section 13.73.1. However, the Major Amendment Proposal also seeks approval for off-street parking to serve those retail uses, up to a maximum ratio of 0.5 space per 1,000 square feet of retail gross floor area, which is explicitly prohibited pursuant to Section 13.73.1 and would require an amendment to the Zoning Ordinance to be enacted by the City Council.

FINDINGS

Based on a review of submitted Application materials and testimony given at the public hearing, the Board makes the following findings with reference to the criteria for preliminary approval of a Planned Unit Development Proposal as set forth in Article 12.000 of the Zoning Ordinance.

- (1) *The Development Proposal conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth in the specific PUD district in which the project is located.*

Prior to final approval of the proposed modifications to the Final Development Plan, the following specific approvals are required:

- a special permit to reduce the minimum required parking ratios set forth in the Zoning Ordinance for the uses permitted in the Final Development Plan, pursuant to Section 6.35.1, which may be granted by the Planning Board contemporaneously with the requested Major Amendment pursuant to Section 10.45;
- a determination by the Planning Board that a total of 300,000 square feet of Gross Floor Area may be occupied by retail and consumer service establishments, pursuant to Section 13.73.1;
- a determination by the Planning Board that a single retail establishment, specifically a grocery store, may occupy up to 50,000 square feet of Gross Floor Area, pursuant to Section 13.73.1, Paragraph (i)
- an amendment to Section 13.73.1, Paragraph (ii) of the Zoning Ordinance, that would permit off street parking for retail uses in the North Point Residence District.

The Board finds that, on the whole, the proposed amendment remains consistent with the General Development Controls set forth in Section 12.50 and the development controls of the applicable PUD zoning districts. Aside from the requested changes to parking and retail uses, the Development Proposal is not substantially changed from the previously approved Final Development Plan. No changes to the Development Parcel size or composition, roadways, public infrastructure, landscaping, or total Gross Floor Area are proposed. All environmental standards currently applicable to the Final Development Plan will continue to be met.

- (2) *The Development Proposal conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located.*

With the proposed amendment, the Final Development Plan will remain consistent with the Eastern Cambridge Design Guidelines and the Eastern Cambridge Planning Study. In

general, the City is supportive of proposals to reduce the amount of vehicular parking to reflect the anticipated demand and to discourage unnecessary automobile traffic.

(3) *The Development Proposal provides benefits to the city that outweigh its adverse effects. In making this determination the Planning Board shall consider the following:*

(a) *The quality of the site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public*

The site design will not be modified as a result of the proposed Amendment, and will remain as previously approved.

(b) *Traffic flow and safety*

The Application Materials and other supporting information presented to the Planning Board indicate that the traffic impacts of the proposed modifications have been carefully studied and will continue to be discussed by the Planning Board prior to reaching a final decision on the current proposal. The Traffic, Parking and Transportation Department has expressed initial support for the proposed reduction in parking.

(c) *Adequacy of utilities and other public works*

No modifications to utilities or other public infrastructure are proposed, and all conditions for such infrastructure currently applicable to the Final Development Plan will continue to apply.

(d) *Impact on existing public facilities within the city*

Aside from issues mentioned above, no additional impact on other public facilities is anticipated from the proposed modifications.

(e) *Potential fiscal impacts*

The proposed modifications are not expected to result in negative fiscal impacts for the project or the City.

DETERMINATION

Section 12.35.2 of the Zoning Ordinance requires that the Planning Board make a preliminary determination with regard to a PUD application within twenty-one days of the first public hearing. The Planning Board may approve the Development Proposal, approve the Development Proposal with conditions, or deny the application for a special permit.


It is the Planning Board's Determination to **APPROVE** the Development Proposal for the requested Major Amendment, subject to the following requests and comments to be addressed in the preparation of a Final Development Plan.

1. The proposal for a "retail center" in the Final Development Plan, including a grocery store, will support the policy objectives for the area by providing more amenities and services to the nearby community and contributing to a more active urban environment. However, some amount of parking is likely needed to sustain such a retail plan. Given that the zoning does not allow parking for such uses, prior to approval of a Final Development Plan, the Applicant must either successfully petition the City Council to amend the zoning or modify the Final Development Plan to conform to the zoning requirements.
2. The final application must additionally seek a special permit pursuant to Section 6.35.1 for a reduction in the minimum parking required for the uses permitted in the Final Development Plan. While the Board is generally supportive of a reduction in parking, further consideration will be given to the exact limitations that should be imposed on the maximum and minimum number of parking spaces and the flexibility permitted as phased development occurs over time.

In order to address these points, the Applicant has requested and the Board has granted an extension of ninety (90) days to the time normally afforded to review and approval of a Final Development Plan for a PUD.

Voting in the affirmative to approve the Development Proposal were Planning Board Members H. Theodore Cohen, Steven Cohen, Hugh Russell, Steven Winter, Pamela Winters and Associate Members Catherine Preston Connolly and Ahmed Nur, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board.

For the Planning Board,



Hugh Russell, Chair.

A copy of this Preliminary Determination #179 – Amendment #4 (Major) shall be filed with the Office of the City Clerk.