



CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139  
**NOTICE OF DECISION**

**Case No:** PB #35 MAJOR AMENDMENT #3

**Address:** Ten Canal Park

**Owner:** EOP-Ten Canal Park, L.L.C.

**Original Decision:** October 18, 1983

**Major Amendment #1:** October 20, 1992

**Major Amendment #2:** October 14, 1997

**Applicant:** EOP-Ten Canal Park, L.L.C.: C /o Equity Office Properties,  
100 Summer Street, Boston, Mass. 02110

**Application Date:** September 10, 2002

**Public Hearing:** October 29, 2002

**Planning Board Decision:** October 29, 2002

**Date of Filing Decision:** November 29, 2002

**Application:** An amendment to allow offices uses otherwise permitted  
within the building in the original decision to be located on  
the ground floor of the building without any limit as to time.

**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 the  
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 the  
Community Development Department and the City Clerk.

Authorized Representative to the Planning Board

For more information regarding this special permit, please contact the  
Community Development Department, Liza Paden at voice: 617-349-  
4647; TTY: 617-349-4621, or email at lpaden@ci.cambridge.ma.us.

2002 NOV 29 AM 52

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Address: Ten Canal Park

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Applicant: EOP-Ten Canal Park, LLC; c/o Equity Office Properties, 100  
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### **Application**

Application to amend the original Special Permit to permit office use on the first floor of the building without limitation as to time, as contained in a letter to the Planning Board from Katharine E. Bachman, attorney for EOP-Ten Canal Park L.L.C., dated September 10, 2002.

### **Findings**

After review of the application documents and discussions at the public hearing, the Planning Board makes the following findings:

1. The Petitioner continues to encounter difficulties in meeting the condition of the original PUD Special Permit that requires the location of retail uses on the ground floor of the building because of market and physical conditions that are not likely to change:

a. The Cambridge Galleria provides retail services that easily distract customers from any retail activity at 10 Canal Park and other locations fronting on Lechmere Canal Park.

b. Ten Canal Park is located at the far side of the Mall entry on the Park, is well removed from First Street and is beyond the line of pedestrian movement from First Street and the Lechmere T Station through the Park to the Mall entrance. The occupied portions of the ground floor of Ten Canal Park are not visible from Land Boulevard and are not easily seen from First Street.

c. The customer base of any retail operation must depend on general traffic in the area and not on office occupants of the building.

d. The Board has recognized similar problems at Graves Landing, at the Esplanade and at Rivercourt and has granted permanent relief from similar provisions at those locations. The Board did not require the inclusion of significant retail space on the ground floor of Two Canal Park.

2. Office use would meet the objective of encouraging activity at a modest level around Lechmere Canal in accordance with the PUD-4 District development controls set forth in Article 13.50 of the Ordinance; certain office uses directly serving the public can actually mirror some of the pedestrian activity and animation of retail uses, which was the original objective of the retail requirement.

4. Office use is allowed in a PUD-4 District and meets all other requirements of that district and Article 12.000.

5. By authorizing the additional potential use on the ground floor, no change of any dimensional requirements is required. There will be no structural modification of the existing building and no exterior facade changes.

6. The Planning Board recognizes the limitations of this site for retail use and it finds expansion of the range of permitted uses a reasonable response to these limitations. The Board continues, however, to prefer the use of such space as retail stores and encourages the permittee to continue to pursue that option.

7. The proposed change in permitted uses on the ground floor conforms to the criteria for issuance of special permits, Section 10.40.

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

All permitted uses conform to the limitations imposed in the PUD-4 District.

b. *Traffic patterns will not cause congestion, hazard, or substantial change in the established neighborhood character.*

No traffic congestion, hazard or a substantial change in the established character of the neighborhood will result.

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

Adjacent uses will be unaffected by the change of use on the ground floor of Ten Canal park.

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

No nuisance or hazard will be created.

*e. The use will not impair the integrity of the district or adjoining districts or derogate from the intent or purposes of the Ordinance.*

The office uses will not impair the integrity of the PUD-4 District, which permits a wide range of office and retail uses.

## **Decision**

Based on the above findings, the Board **GRANTS** the requested Major Amendment #No. 3 to permit office uses otherwise allowed by Special Permit #35 to be located on the first (ground) floor of the building, in addition to the retail uses previously allowed on the ground floor. Those office uses shall be permitted subject to the following conditions and limitations.

1. The Community Development Department will review and approve any substantial change in the floor plan and organization of office activities on the ground floor of the building. The uses accommodated are encouraged to be as active and visually engaging as possible. The CDD review shall ensure that in physically accommodating any office use, there shall be no removal of existing windows and no blocking-off of those windows by any opaque screen, furniture or permanently closed blind or any other device that would substantially diminish the visual access into space from the public park.

Voting to **GRANT** the Major Amendment to the special permit were: W. Tibbs, P. Winters, B. Shaw, T. Anninger. H. Russell and L. Brown, constituting more than two thirds of the membership of the Board.

For the Planning Board

  
Thomas Anninger, Chair

A copy of this decision shall be filed with the Office of the City Clerk. Appeals, 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, **November 29, 2002** by Elizabeth M. Paden 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 (20) days have elapsed since the filing of this decision.  
No appeal has been filed.  
DATE: