



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB #38 MAJOR AMENDMENT #2

Address: One Canal Park

Owner: EOP-One Canal Park, LLC

Original Decision: July 3, 1984
Minor Amendment #1: January 8, 1985
Minor Amendment #2: February 5, 1985
Minor Amendment #3: February 15, 1988
Minor Amendment #4: September 6, 1988
Major Amendment No. 1: June 15, 1999

Applicant: EOP-One Canal Park, LLC; 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 for ten years only, 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 emalenfant@ci.cambridge.ma.us.

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OFFICE OF THE CITY CLERK
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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-One Canal Park LLC, 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. Nevertheless, the Board finds that the location of One Canal Park is materially different from that of Ten Canal Park:

a. The building is actually on the route of many persons going to the Cambridgeside Galleria from the neighborhood or from the Lechmere Green Line T station, both on the First Street and Lechmere Canal Park side.

b. The building fronts directly onto First Street. The ground floor portion of the building facing First Street is fully visible from that public way.

2. Nevertheless, the Board has recognized similar problems at Graves Landing, at the Esplanade, Rivercourt, and at the more remotely located Ten Canal Park and has granted permanent relief from like provisions at those locations.

3. Office use can, in a limited way, meet the objective of encouraging activity 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.

5. By authorizing additional potential uses 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 at this time. The Board continues, however, to prefer the use of such space as retail stores and finds that at One Canal Park continuing efforts should be made to establish retail activity on the ground floor. The site is to be materially affected by transformations in the surrounding area that might significantly improve the market conditions that would make retail activity viable: redevelopment of the Havaland Candy Factory to housing and other uses, redevelopment of the existing T station site to possible housing and a hotel, a build-out of North Point to a mixed use neighborhood with thousands of new residences and office activities.

However, the Board finds that flexibility as to uses on the ground floor is appropriate until market conditions have favorably evolved.

7. A 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. It is within the discretion of the Planning Board to allow a range of uses in any building within the PUD that serve the

interests of the public. Vacant or underutilized ground floor spaces do not serve the objectives of 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 an interim change of use on the ground floor of One 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.

An interim office use 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** Major Amendment #2 to permit office uses otherwise allowed by Special Permit #38 to be located on the first (ground) floor of the building, in addition to the retail uses previously allowed on the ground floor, for an interim period of time. Those office uses shall be permitted subject to the following conditions and limitations.

1. Such use shall be permitted for a period of ten years, until January 1, 2013. No lease or succession of leases shall permit occupancy of the ground floor of One Canal Park for office uses beyond that date unless the Planning Board in another Major Amendment specifically authorizes such use.

2. Any separately leased space on the ground floor abutting First Street shall maintain an operable, publicly accessible entry door from the leased space to the First Street sidewalk.

3. The Community Development Department shall 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 or First Street.

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: