



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB #115
Address: 2480 Massachusetts Avenue
Zoning District: Business A-2/Massachusetts Avenue Overlay District
Owner: DLK Realty Trust, Francis J. Mazzeo, Trustee
Applicant: Jiffy Lube International
Application Date: January 31, 1996
Public Hearing: April 2, 1996

Petition: Waiver of certain provisions of the North Massachusetts Avenue Overlay District, Sections 11.105 to 11.107, relating to landscaping, facades and ground floor retail use as authorized in Section 11.108; a Special Permit to alter the site plan of an Automobile Service Station where no major repairs are made, Section 4.36g, normally granted by the Board of Zoning Appeal but permitted to be issued by the Planning Board as authorized under Section 10.45; a special permit to reduce the number of queuing spaces required, Section 6.36, and to permit a curb cut greater than 30 feet, Section 6.43.5.

Planning Board Decision: May 14, 1996

Filing Decision: *June 28, 1996*

Decision: DENIED

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.

Elizabeth J. Maloney
Authorized Representative to the Planning Board

June 28, 1996
Date

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Application

1. Application certified as complete by Elizabeth J. Malenfant, March 12, 1996.
2. Application placed on file at the City Clerk's Office on March 12, 1996.
3. Existing site plan, dated 2/20/96, 1 inch = 20 feet, by Andover Engineering, Inc. for Bayside Engineering Associates, Inc.
4. Preliminary proposed site plan, dated 1/30/96, 1 inch = 10 feet, Bayside Engineering Assoc., Inc.
5. Amended landscape plans, 4/2/96, same scale, same firm.
6. Revised site plan, 4/25/96, same scale, same firm.

Other Documents

- Memo to the Planning Board from CDD staff, dated March 19, 1996, re: Criteria for Review of Massachusetts Avenue Overlay Special Permit Cases, attached exhibit re: Vehicle Trips Per Day Based on Allowed Site Uses.

Memo to the Planning Board from CDD staff, undated, re: North Mass Ave Overlay District.

Letter to the Planning Board from Lauren M. Preston, Deputy Traffic Director, dated March 26, 1996, reviewing the proposal.

Charts prepared by CDD staff, dated April 16, 1996, showing those districts where auto related uses are allowed and alternative development potential for sites of proposed redevelopment.

Memo to the Planning Board from CDD staff, dated May 3, 1996, re: North Mass Ave Overlay District Requests for Special Permits: Valvoline, Speedy Muffler, Jiffy Lube (analysis of each and pertinent sections of the *Zoning Ordinance*).

Letter to the Planning Board from Lauren M. Preston, Deputy Traffic Director, dated April 17, 1996, reviewing the revised site plan.

Letter to the Planning Board from Councilor Francis H. Duehay, dated April 19, 1996, opposing the proposal.

Memo to the Planning Board from Pedestrian Advisory Committee, dated May 6, 1996, commenting on the proposal.

Letters to the Planning Board from Larissa V. Brown, 42 Madison Avenue, dated April 2, 1996 and May 6, 1996, opposing the proposal.

Letter to the City Council from North Cambridge Stabilization Committee, dated April 1, 1996, calling for a comprehensive plan for North Cambridge.

Petition to the Planning Board from abutters and neighbors of the proposed site, undated, supporting the proposal.

Report entitled "Proposed Jiffy Lube, 2480 Massachusetts Avenue, Cambridge, Ma."; accompanied by a letter to L. Barber from Greg Reynolds, dated April 26, 1996; Re: evaluation of the proposed project compared with required special permit criteria.

Public Hearing

Mr. Vincent Panico, attorney for the applicant, Mr. Greg Reynolds, representative for Jiffy Lube International, and Mr. Frank Mazzeo, representing the owner of the property, appeared before the Planning Board in support of the special permit request. Mr. Reynolds described the proposed plan. He indicated that after a meeting with the North Cambridge Stabilization Committee the

previous Wednesday the plan submitted with the application had been modified, and that it is that plan, if the Board perceives it to be a better one, that the applicant wishes to discuss in detail. The neighborhood had particular concern with the exiting of vehicles onto Edmunds Street in the application plan.

The operation involves lubrication, changes of filters, and hoses where the customer is expected to get out of the car and wait for service to be complete.

The alternate plan was shown to the Board. It contains a single entry/exit point onto the site from Massachusetts Avenue. Landscaping is provided and Mr. Reynolds indicated that the applicant would be happy to provide additional landscaping into the public sidewalk if the City granted permission to do so. Several building design options are possible, with the "colonial" option preferred by the applicant. All signage will conform to the ordinance.

In response to a number of questions from Planning Board members Mr. Reynolds made the following comments.

The closest in-operation facility is in Bedford at Rts. 4 and 225. Others are located at Needham Street in Newton and on Broadway in Malden. The plan submitted with the application would be abandoned only if the Board prefers the second (new) option; it does reflect somewhat less landscaping in the front.

Mr. Panico indicated that the landowner would like to retire; he believes this proposal would be a financially sound operation and a physical improvement to the site. If it is not approved, the gas station will remain. Mr. Panico submitted a petition in support of the proposal to the Board.

Several Board members expressed a concern that they were reviewing the details of the site development proposal before the Board had had an opportunity to consider the larger policy issues; for instance if not approved, over the long term the not preferred uses might wither away and be replaced by more desired activity. Mr. Panico, in partial response indicated that the new operation will result in 75% less trips to the site. In any case, if not approved the gas station will remain.

In response to a number of questions from Board members and the general public the applicants made the following comments.

The gas station has been in the current owner's hands for 33 years, but a gas station on the site has been in operation for many more years. The applicant will be responsible for the cleanup of the site; engineers have already been employed.

The service area is generally a mile to a mile and a half radius for such facilities. The facility would operate between 8:00 A.M. to 7:00 or 8:00 P.M. through the week, 8:00 A.M. to 5:00 P.M. on

Saturdays, and 10:00 A.M. to 4:00 P.M. on Sundays; those hours might be reconsidered but they are less than the hours of operation of the current facility.

While it might be possible to reorient the building (to Mass Ave for instance) it is difficult to address all the concerns of the neighbors; it would be possible to put a door in the Massachusetts Avenue facade.

No one spoke in favor of granting the permit.

A number of people spoke in opposition. Among their comments were the following.

The permit, and others like it, should be denied. With improvements to Massachusetts Avenue, undertaken by the city and private property owners, there should not be encouragement of investment in uses that are not desired along the Avenue; desirable uses would be discouraged from investing. The problems cannot be solved with design changes.

The use on this site will encourage traffic to cross Massachusetts Avenue, which is not desirable.

All the proposals (three are under consideration by the Board in roughly the same time period) should be looked at as a package and compared to the standards and guidelines in the ordinance and referenced in the ordinance. Assertions about traffic reduction should be more carefully reviewed. If new investments in these uses are permitted, then the desirable change will be foreclosed.

In response to final questions from the Board, Mr. Reynolds indicated that there was queuing for 3 to 4 cars per bay has been provided; in other locations the busiest day is perhaps 100 cars a day with 65-70 cars a day on average; that in comparison with 300 to 450 cars a day for the existing station. Further, car movement will be controlled with more restrained curb cuts.

Findings

1. Section 11.100 of the Zoning Ordinance of the City of Cambridge, the Massachusetts Avenue Overlay District, was adopted as an amendment to the Zoning Ordinance by the Cambridge City Council on October 6, 1986. The specific provisions of the Massachusetts Avenue Overlay District were developed after extensive study and analysis of the circumstances prevailing along Massachusetts Avenue by the planning staff of the City of Cambridge and land use consultants hired by the City, and in cooperation with an appointed study committee of Cambridge citizens, property and business owners. In setting forth the purposes of the Overlay District in Section 11.102 in 1986, the drafters of the text of Section 11.100 (and the City Council in adopting it) were familiar with the existing development character along Massachusetts Avenue. The presence of automobile service stations, among other auto oriented

retail activity, was well-established along much of Massachusetts Avenue at the time of adoption of Section 11.100. The automobile service station at 2480 Massachusetts Avenue has been long established and was in operation in 1986 in much the same fashion as it exists today.

2. The purposes of the Massachusetts Avenue Overlay District are set forth in Section 11.102. They are:

- * to create a more harmonious and consistent image for development along the Avenue and adjacent areas,
- * to encourage good building design and site development which enhances the pedestrian amenities along the Avenue,
- * to ensure that changes along the Avenue are compatible with the scale and character of abutting neighborhoods,
- * to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods, and
- * to discourage new development inappropriate in either scale or design.

3. To advance those purposes, the Massachusetts Avenue Overlay District establishes a set of requirements for future development within its area of applicability that are not required of development within the Business A-2 district itself or generally elsewhere in other zoning districts in the City. Among those requirements imposed are the following: that the area between the principal front wall plane of a building and any public street or park be devoted to green area with limited exceptions for vehicular access drives (Section 11.105); that the ground floor of that portion of a building facing a public street or park be devoted to a limited number of specifically enumerated uses, which enumeration explicitly excludes the use Automobile Service Station, Section 4.36 g of the Zoning Ordinance (Section 11.106); and that building facades facing public streets and parks be designed so as to contain an area of transparent glass and a disposition of building entrances as outlined in the Ordinance (Section 11.107).

4. To further elaborate on the purposes of Section 11.100 and provide a visual context for the development patterns the requirements of Section 11.100 are intended to foster, the *North Massachusetts Avenue Urban Design Guidelines Handbook* is specifically referenced in Section 11.100. The handbook is intended to help property owners understand the objectives of the City in adopting the Massachusetts Avenue Overlay District and to guide the Planning Board in its deliberations when it is asked to permit a divergence from the requirements of Section 11.100, as is permitted in Section 11.108 of the Overlay District.

5. In reviewing the provisions of Section 11.100 and the *North Massachusetts Avenue Urban Design Guidelines Handbook* the Planning

Board finds that new development along the Avenue should generally have the following characteristics:

- * New buildings should be located near the public sidewalk with any intervening space devoted to a landscaped planting area or an attractively paved area allowing pedestrians to approach the building with ease.

- * The ground floor of those new buildings, with the exception of multifamily dwellings and townhouses, should contain retail stores and offices, ideally providing services of use to the abutting neighborhoods, that are fully visible to passing pedestrians and that encourage pedestrian activity along Massachusetts Avenue with the location of store entries with that orientation.

- * Any necessary vehicular storage or service should be located behind the building and should be visually screened to the extent possible from the view of pedestrians and automobiles on Massachusetts Avenue. The number and extent of driveways crossing the sidewalk should be kept to a minimum.

- * Necessary services that are by their nature automobile oriented, to the extent that they are permitted in the Business A-2 district, should be accommodated in larger developments where their visual impact can be screened by other conforming elements of the development; or the use should be accommodated elsewhere in the city.

6. Automobile Service Station uses, Section 4.36 g, are by their nature, inconsistent in their development form and operation, with the purposes of the Massachusetts Avenue Overlay District and the specific requirements of the District as set forth in Sections 11.105 and 11.106, and with the intent if not the precise requirements of 11.107. The existing site development pattern at 2480 Massachusetts Avenue violates in spirit and detail major provisions of Section 11.100.

7. The Board recognizes that the existing Automobile Service Station use at 2480 Massachusetts Avenue, and the proposed replacement that is the subject of this special permit petition, are uses that provide a valuable and necessary service to the North Cambridge community and the Cambridge community more generally. However, the Massachusetts Avenue Overlay District has established a very high standard of design if such uses are to be newly established or significantly modified along north Massachusetts Avenue. If those services cannot meet that high standard, they can be accommodated elsewhere in the city; and as they are specifically services needed only by those having an automobile, they are available to all who need them at other locations in Cambridge.

8. Nevertheless, the Massachusetts Avenue Overlay District recognizes that such high standards of development, rigidly

enforced in all circumstances, may result in site development contrary to the intent of Section 11.100. Therefore, Section 11.108 authorizes the Planning Board to grant a special permit to allow divergence from the requirements of Sections 11.105 - 11.107 upon a finding that the alternate development scheme will better serve the objectives of Section 11.100 than would strict adherence to those requirements. In granting a special permit the Planning Board is also charged with carefully monitoring the quality of the development scheme authorized. The more general standards for issuance of a special permit, as set forth in Section 10.43, must also to be satisfied.

9. The original application before the Planning Board was for a special permit to waive certain of the requirements of the Massachusetts Avenue Overlay District, as authorized in Section 11.108, because the site development proposed cannot meet the requirements of Section 11.105 - Restrictions in Required Setbacks and 11.106 - Use Restrictions: the building was totally devoted to a use that is not permitted on the ground floor of a building facing Massachusetts Avenue; the area between the building and Edmunds Street contained a significant amount of space devoted to the circulation of automobiles into and out of the building and site and further contained more than 60 feet of curb cut in a running length of 130 feet, more than the 30 feet allowed. Furthermore, the spirit of Section 11.107 - Design Standards was not met by the proposed glass garage doors facing Edmunds Street; these would provide a view of auto uses not permitted in such a prominent location within a building unless a special permit waiver is granted. Similarly, the blank wall facing Massachusetts Avenue is quite contrary to the intent of the Overlay District; and no pedestrian entrance is provided.

The applicant subsequently submitted revised site plans, dated April 2, 1996 and April 24, 1996 respectively, that substantially altered the arrangement of building, circulation and landscaping on the site. Each of the revised plans, because they generated a need for a side yard variance that had not been previously advertised, would have necessitated further public hearings. Nevertheless, as the applicant indicated that the 4/24/96 site plan was his preferred option for development of the site, it was that plan the Planning Board reviewed in reaching this decision, and the subject of the remaining findings.

Specifically:

11.105. Restrictions in Required Setbacks. The area between principal wall plane and public street shall be devoted to Green Area or other elements exclusively for pedestrian use; exception: access drive to parking elsewhere on the site may cross this area @ maximum of 30' per 100' of frontage.

The Jiffy Lube proposal does not meet this requirement in that, in its 135' of frontage, it has a 44' of total curb cut for vehicles entering and exiting the facility from

Massachusetts. All the remaining frontage, however, is given over to landscaping as required in Section 11.105. On Edmunds Street the entire curb cut is closed off and a landscaped buffer provided along the street's entire length. However, the area between the landscaped strip and the building, a distance of almost sixty feet, is almost entirely devoted to circulation for automobiles leaving the site.

11.106. Use Restrictions. First floor of the building for a depth of at least 20 feet shall consist of residential, office, institutional, or non open-air and non drive-in retail uses (as specified in Section 4.35).

The Jiffy Lube proposal does not meet this requirement in that it is a drive-in service use (Section 4.36).

11.107. Design Standards

a. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue.

The Jiffy Lube proposal orients the building such that a small waiting room function is provided at the front of the building with a pedestrian entrance to Massachusetts Avenue. This building type does not, by the nature of its use, encourage drop-in pedestrian activity so that is likely the door would have more symbolic importance than practical value in advancing the objectives of the Overlay District.

b. Separately leased space shall have individual entrance.

This provision is not applicable.

c. Facades facing a public street shall consist of 50% clear glass on the ground floor where retail use is established.

The large service bays can be made of glass, thus meeting the physical requirements, but they would not meet the intent of the Ordinance, which is to create an inviting visual connection between activity inside the building and the sidewalk. It is likely that in mild weather, the doors would remain open, further highlighting the automobile nature of the interior operation. In this case the bays are oriented toward Edmunds Street rather than Massachusetts Avenue. The facade directly facing the Avenue is provided with glass in the form of a windows and door facing into an interior waiting room, an arrangement that more nearly approximates the intent of the Overlay District than do the glass garage doors.

As these requirements of the Overlay District are not met the Planning Board is charged with reviewing whether the development as proposed will better serve the objectives of this Section 11.100 than if the standards were followed, if the Special Permit authorized in Section 11.108 is to be granted. Those objectives

are most clearly set forth in Section 11.102 - Purpose of the Massachusetts Avenue Overlay District.

a. To create a more harmonious and consistent image for development along the Avenue.

The Jiffy Lube proposal would provide a new facility much better landscaped than the old facility. The proposal would not, however, decrease the number of auto-oriented businesses that exist along the Avenue and would continue to reinforce the pattern of buildings and site development organized around the needs of the automobile rather than a relationship to the pedestrian and the public sidewalk.

b. To encourage good building design.

The Jiffy Lube building design can be made to meet a reasonable, but high, standard for auto service facilities that would significantly upgrade the appearance of this site; the building type, however, has limitations inherent in structures meant to serve the automobile and suffers in its ability to contribute to the basic purposes of Section 11.100, particularly the pedestrian environment along the public street as the site continues to be dominated by paving to serve the needs of automobiles without a compensating building intensively and actively used for retail or commercial use. While the building's short end is designed to appear like a retail or office use, the three auto bays would continue to dominate any view of it by pedestrians and drivers moving south along Massachusetts Avenue.

c. To enhance pedestrian amenities.

The sidewalk on Edmunds Street and Massachusetts Avenue would be reconstructed by the applicant in any material required by the City. On Edmunds Street the entire curb cut would be eliminated. Such changes would result in a significantly improved environment with the elimination of long curb cuts and the installation of considerable on-site landscaping and street trees. The Massachusetts Avenue frontage would have much reduced curb cuts and considerable landscaping essentially in conformance with the requirements of the Overlay District. On Massachusetts Avenue, however, the pedestrian would still be faced with a building and site development clearly oriented to facilitate the flow of automobiles that on busy days would be frequently crossing the sidewalk to enter the site and exit the building.

d. To ensure that development on the Avenue is compatible with the abutting residential neighborhoods.

The broad question is whether this use is inherently incompatible, as the specific improvements proposed are considerable improvements over the existing conditions. The

use is designed to have cars drive in for minor auto maintenance service. Automobiles would be expected to be waiting in line on the lot, up to 10 to 15 in number at peak times (according to the applicant for a very similar project). Despite the narrowness of the depth of the Business A-2 zoning district (only 100 feet) that limits the ability of any retail activity on this site to buffer its activities from residential uses in the neighborhood directly behind the site, this site has the advantage of abutting, to the rear of the property, a nonconforming industrial structure. The elimination of all access from the Edmunds Street lot line would facilitate residents' use of that street.

Nevertheless, the operation would involve many cars moving or idling on the lot at the same time, much maneuvering into the three bays and out of them, and the normal noise attendant to maintenance of vehicles that could be a considerable annoyance to residents located just across Edmunds Street from the rear of the site.

e. To encourage the retention of historic buildings.

The existing structure on the site is not an historic building, nor are historic buildings adjacent to the site.

f. To discourage new development having an inappropriate scale and inappropriate design.

The scale of the structure proposed by Jiffy Lube is much smaller than would be allowed within the dimensional limits of the Business A-2 zoning district, which means less potential shading of neighbors. However, the design as a result has a suburban relationship to the Avenue, rather than the "Main Street" image envisioned in the North Massachusetts Avenue design guidelines. While the office and residential buildings in the immediate vicinity on this side of the street are not exceptional in design or necessarily more desirable in the much larger scale and massing the exhibit, they do nevertheless convey in their bulk and orientation the more urban aesthetic that is embodied as an objective in the Overlay District's regulations. By the nature of its dimensional limits, the zoning anticipates that more dense development might occur on this site and others like it along the Avenue, both to advance urban design objectives for a more urban character to the street and to facilitate the conversion of existing auto-oriented developments to other uses; the design guidelines affirm that as well in their recommendations.

10. While the proposed redevelopment of this site at 2480 Massachusetts Avenue would likely make significant aesthetic, visual and operational improvements over the current use and organization of the site, the Board finds that on balance the fundamental objectives and purposes of the Overlay District are not

being met sufficiently to justify the waiving of the requirements of the Overlay District as requested. The Planning Board finds that such a use should meet a very high standard of design and site arrangement before waivers or modifications of the requirements should be considered. While this proposal makes a serious effort to address the design objectives of the Overlay District, such waivers may in fact not be desirable at all where the a site is to be used exclusively for such use, as the auto orientation continues to dominate even when dressed up in very good design.

In assessing the wisdom of granting waivers from the requirements of Section 11.100, it may be appropriate to consider, in part, whether any new development along the Avenue can be reasonably expected to meet the standards set forth in the Overlay District. In this regard there is some development experience to be observed along the Avenue since the adoption of the Overlay District. Three sites have been redeveloped since the adoption of the Overly District, and in conformance with its requirements: at 2475 Massachusetts Avenue for a restaurant, at 2490 Massachusetts Avenue for a multi-story office building (directly across Edmunds Street from this proposal), and at 2280 Massachusetts Avenue for residential townhouses. A townhouse and retail development has been approved for 2107 Massachusetts Avenue, with construction expected to be initiated soon, and a proposal is being advanced for the construction of a two story retail building within the Porter Square Shopping Center at Massachusetts Avenue and White Street. The Board finds that there is a reasonable expectation that over time the site subject of this petition, and other sites along the Avenue, will be subject to redevelopment in conformance with the requirements of Section 11.100 or to redevelopment that will require fewer and/or less fundamental waivers than is the case with the current petition.

11. Section 10.43 of the Zoning Ordinance sets out additional criteria for granting special permits. This section provides that special permits will normally be granted where specific provisions of the Ordinance are met, except where particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because of the following criteria.

a. Traffic generated would cause congestion, hazard, or substantial change in neighborhood character. The degree to which the new use would differ from the operation of the existing gas station is difficult to assess; traffic estimates presented by the applicant for the current gas station on the site were based on the application of standard, national traffic engineering generation rates that may not be accurate for this gas station at this location. Even if total vehicle trips to the site were to be reduced, it is very likely that those vehicles will be on-site for longer periods of time, idling or otherwise operating on site.

b. Continued operation of, or development of, adjacent uses

would be adversely affected. Granting of the permit would perpetuate the use of the site in a manner contrary to the purposes and objectives of the Overlay District. It would likely retard consideration of alternate uses more nearly in conformance with the purposes of the Overlay District for this site and for adjacent sites.

c. Nuisance or hazard would be created to the detriment of the health, safety, and/or welfare of the citizens of Cambridge. To the extent that the new use might utilize the site in a more intrusive manner, a greater nuisance could be created. Nevertheless, redevelopment of the site would improve the visual aspects of development on the site, and thus reduce the visual nuisance the existing nature of the site creates.

d. The use would impair the integrity of the district, or an adjoining district, or otherwise derogate from the intent and purpose of the Zoning Ordinance. The new use would further intensify a use of the site that is contrary to the basic intent of the Overlay District.

Decision

After consideration of testimony presented at the public hearing and at subsequent Board discussion of the proposal at regular Planning Board meetings, and of information provided in the application, and based on the findings above, the Planning Board **DENIES** the Special Permit to allow the construction at Massachusetts Avenue as requested in the above referenced application documents.

On a motion to approve the special permit, H. Russell voted in the affirmative, P. Dietrich, C. Mieth, A. Cohn, and H. Salemme voted against. As two-thirds of the Board failed to vote in the affirmative to grant the permit, the motion failed and the grant of the special permit was denied.

For the Planning Board,

A handwritten signature in black ink, appearing to read "Paul Dietrich", written in a cursive style.

Paul Dietrich, Chairman