



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No.: PB #17, Major Amendment #1

Premises: 4-6 Canal Park, Thomas Graves Landing

Zoning District: Business A/PUD-4

Original Petition: PUD Special Permit to construct 265,813 square foot residential structure.

**Owner of Unit C-1: Barnside Realty Corporation,
c/o RECOLL Management Corporation, 275 Summer
Street, Boston, MA**

**Petitioner for Major Amendment #1: RECOLL Management Corp,
275 Summer Street, Boston, MA**

Major Amendment #1 Application: Application to allow office use in the commercial condominium unit known as Unit C-1, Thomas Graves Landing Condominium, 4 & 6 Canal Park.

PUD Development Proposal Application Date: July 10, 1981

PUD Development Proposal Public Hearing Date: August 4, 1981

PUD Development Proposal Determination: August 4, 1981

Final Development Plan Submission: October 2, 1981

Final Development Public Hearing: October 6, 1981

Final Development Planning Board Decision: November 10, 1981

Date of filing the Decision: November 19, 1981

Date of Minor Amendment #1: September 10, 1982

Date of Minor Amendment #2: November 10, 1982

Date of Minor Amendment #3: October 27, 1983

Date of Minor Amendment #4: November 19, 1984

Date of Minor Amendment #5: May 31, 1985

Date of Minor Amendment #6: October 3, 1985

Date of Minor Amendment #7: March 18, 1986

Date of Minor Amendment #8: September 25, 1987

Date of Minor Amendment #9: February 2, 1988

Date of Major Amendment #1 Application: June 29, 1994

Date of Public Hearing: July 19, 1994

Date of Planning Board Decision: July 19, 1994

Date of Filing Major Amendment #1: *July 26, 1994*

Application

1. Special Permit application for a Major Amendment dated June 29, 1994, to allow office use in the commercial condominium unit known as Unit C-1, Thomas Graves Landing Condominium, 4 & 6 Canal Park.

Other documents submitted

1. Letter to the Planning Board from Robert C. Brown, Chair of the Board of Trustees of the Thomas Graves Landing Condominium Trust, dated July 14, 1994, supporting the application to allow office use in the first floor condominium unit known as Unit C-1 as allowed in the PUD-4 District.

Public Hearing

On July 19, 1994, the Planning Board held a public hearing on the Special Permit #17, Major Amendment #1 application. L. Barber, CDD staff, presented slides illustrating the building and the location of the commercial space within it. John Smolak, of Warner and Stackpole, and Timothy Fife of Recoll Management Corporation, represented the Petitioner. Attorney Smolak presented the request to allow office use in the first floor retail unit, Unit C-1, citing the pertinent sections of the ordinance for this amendment, and discussing the history of the marketing efforts made to sell the restaurant space, the failure of the restaurants abutting the

site and the general economic climate which has made it difficult to sell the space.

The Planning Board discussed the history of marketing the unit. It was commented by the Board that restaurants usually leased space, and asked if any effort had been made to find someone to buy the unit to lease to a restaurant use. The petitioner and staff made reference to the failed restaurants around the Lechmere Canal, including restaurants at One and Ten Canal Parks. The petitioner indicated that there have been four years of marketing efforts but there have been no offers for purchase of Unit for restaurant use. Further, they noted the difficulty of using the condominium's allocated parking spaces in the garage for customers and the lack of good sight lines from the street and the abutting park to draw potential restaurant or retail customers. Additionally, Robert C. Brown, Chair of the Board of Trustees of the Thomas Graves Landing Condominium Trust indicated that the space may not be adequately ventilated to serve a restaurant of the size allowed by the available space.

Members of the Board indicated that there was still a strong preference for a restaurant use as such use most effectively accomplished the objective of providing publicly accessible and lively activities to add interest to the adjacent park in accordance with PUD-4 District Development Controls set forth under Section 13.50 of the Ordinance. The petitioners indicated that the intent was to allow a greater range of potential uses, not necessarily prohibit or discourage a restaurant use. The members did however recognize the difficulties inherent in the location, the poor physical arrangement of the space and its location along the park which might inhibit restaurant use, and the general disinclination of the market to support restaurant use in buildings around the Canal other than the Galleria. All of such unforeseen complications merited the proposed amendment to the Final Development Plan as contemplated under Article 12.37 of the Ordinance.

Robert Brown, 4 Canal Park, Chair of the Board of Trustees of the Condominium Trust, indicated the Trust's support for the amendment as it considered professional office activity a better use of the space than restaurant use due to venting problems. Ann and Larry Ward, residents of Graves Landing also supported the Major Amendment. No one spoke in opposition.

Findings

1. The Petitioner encountered difficulties in meeting the conditions of the original PUD Special Permit granted in November 1981 as they applied to Unit C-1 in a manner which could not have been reasonably foreseen because of market conditions.
2. The office use would meet the objective of encouraging activity at a modest level along the Lechmere Canal in the PUD-4 District in accordance with PUD-4 District Development Controls set forth under Article 13.50.
3. The office use is allowed in the PUD-4 District and meets all other requirements of the PUD-4 and Article 12.000.

4. By authorizing additional potential use in the commercial condominium Unit C-1, no change of any of the dimensional requirements which were approved by the Planning Board in the original Special Permit in 1981 will ensue.
5. The Parking and Loading requirements will not change.
6. The expansion of uses within Unit C-1 provides benefits to the City which outweigh its adverse effects due to the increased potential for the provision of services to the area and to the decrease in the traffic congestion in the immediate area.
7. The proposed expansion of uses in Unit C-1 will not be in the detriment of the public interest under Article 10.43 of the Ordinance because the traffic impacts would be minimal and no nuisance or hazard would be created by reason of such expansion of services.
8. The Planning Board recognizes the economic and physical limitations of the site for restaurant or retail use and finds an expansion of the range of permitted uses a reasonable response to those limitations; the Board continues to strongly encourage the use of the space for retail use and recognizes that the expansion of permitted uses does not preclude that option in the future.

Decision

The Planning Board GRANTS the Major Amendment #1 to allow the expansion of uses allowed in the original Special Permit #17 to include Office Uses as permitted in Section 13.52.3 of the Zoning Ordinance.

Voting to GRANT the Permit were: H. Salemme, A. Cohn, H. Russell, P. Dietrich, W. Tibbs and C. Mieth, being at least two thirds the membership of the Board.

For the Planning Board,

A handwritten signature in cursive script that reads "Paul Dietrich (fn)".

Paul Dietrich, Chair

Special Permit #17, Major Amendment #1

4 & 6 Canal Park, Unit C-1

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 of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the decision filed with the Office of the City Clerk on July 26, 1994 by *Elizabeth J. Malenfant* authorized representative of the Cambridge Planning Board. All plans referenced 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.

Appeal has been filed and dismissed or denied

City Clerk, City of Cambridge

Date