



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: July 13, 2023

Re: **PB-231A Amendment 8 (Minor), 109 First Street**

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Overview

Submission Type:	Request for Minor Amendment to PUD Special Permit
Applicant:	TGS Cambridge, LLC, d/b/a The Gardner School
Zoning District(s):	Business A / PUD-4B
Proposal Summary:	Conversion of approximately 10,488 square feet of retail space at the ground floor corner of First Street and Charles Street to daycare use (Section 4.33.b.2)
Other City Permits Needed:	None
Planning Board Action:	Approval of Minor Amendment with possible conditions
Memo Contents:	CDD Zoning Report & Urban Design Report
Other Staff Reports:	None

Introduction & Requested Amendment

The Applicant seeks a Minor Amendment to further modify the use configuration for the ground floor of Parcel B at 109 First Street. The proposal includes converting approximately 10,488 square feet of designated retail space at the ground floor corner of First Street and Charles Street to a daycare use. In the Cambridge Zoning Ordinance, daycare uses are considered an institutional use (Section 4.33.b.2 – Preschool, day care center, kindergarten, not exempt by statute).

PB-231 Background

The Planning Board first approved Planned Unit Development Special Permit PB-231A in 2010, consisting of several parcels along First Street within the PUD-4B District. The PUD has been amended several times and as recently as earlier this year. The previous amendments are summarized below:

- Original Development Plan (granted August 3, 2010) – Develop a multifamily residential building at 159 First Street, commercial building at 65 Bent Street (150 Second Street), and townhouses at 29 Charles Street (later not developed).
- Amendment 1 – Minor (granted June 5, 2012) – Modify the dwelling unit mix layout, location of bicycle parking, quantity of vehicular parking, and designation of open space for the permitted residential building at 159 First Street.
- Amendment 2 – Major (granted October 1, 2013) – Increase the number of accessory parking spaces for office use by 22 spaces and correspondingly decrease the number of accessory parking spaces for residential use.
- Amendment 3 – Major (granted December 15, 2015) – Allow the expansion of the PUD to include additional parcels (A-D) which changed the development plan for 29 Charles Street. The Planning Board approved the design of these additional buildings at that time, subject to continuing staff review. This enlarged the Development Parcel and increased the number of building sites from three to six, to include a total of 243,125 square feet of residential gross floor area and 191,641 square feet of commercial gross floor area. It also reduced the number of required parking spaces and bicycle parking spaces. Prior to this amendment, 159 First Street and 65 Bent Street were completed.
- Amendment 4 – Minor (granted August 1, 2017) – Increase the permitted gross floor area and decrease the permitted number of parking spaces for Parcel D.
- Amendment 5 – Minor (granted July 31, 2018) – Modify the parking garage design under 107-119 First Street and 18 Hurley Street (Parcel B) and 29 Charles Street (Parcel C) and convert 3,151 square feet of approved retail use to office use in the ground level of 121-139 First Street (Parcel A).
- Amendment 6 – Minor (granted December 13, 2022) – Modify the use configuration for the ground floor of Parcel A to convert approximately 3,788 square feet of retail use at the ground floor corner of First Street and Charles Street to a bank use.
- Amendment 7 – Major (granted April 25, 2023) – Allow the enlargement of the Development Parcel and increase the number of building sites from six to seven to construct a new residential building with 90 units and 3,600 square feet of ground floor commercial space at 75 First Street

with the new building extending over the existing building and surface parking spaces at 85 First Street.

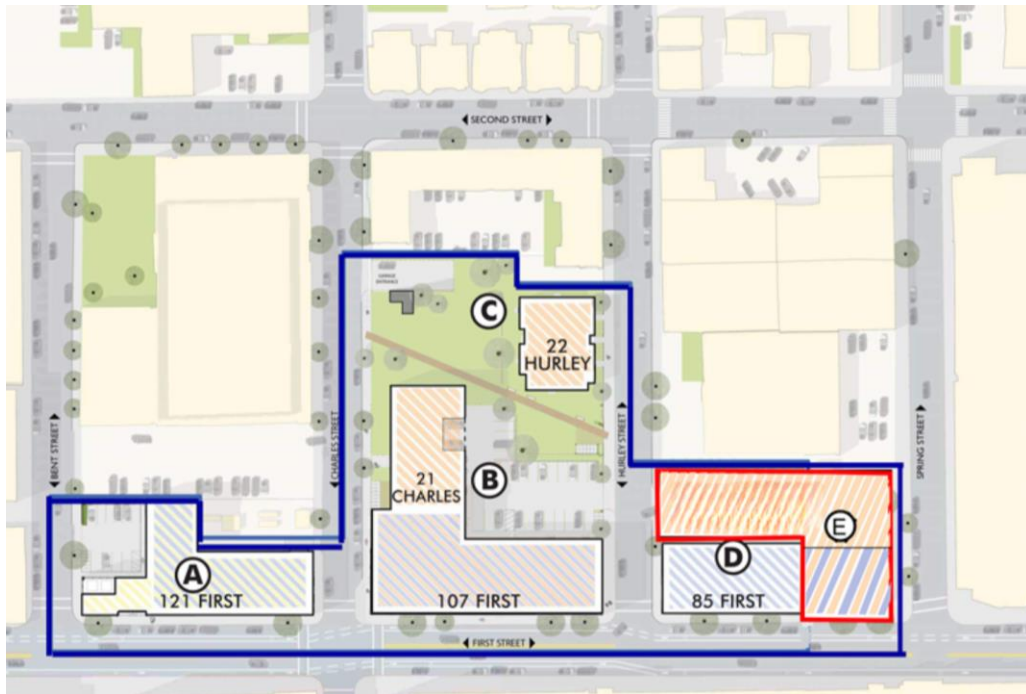


Figure 1: Context Map of Full Planned Unit Development Area

The Planning Board has approved two previous minor amendments (Amendment #5 and Amendment #6) to PB-231A for the conversion of ground floor retail uses to office uses on Parcel A at 121 First Street.

For Amendment #5 (granted July 31, 2018), the Planning Board found that the proposed partial conversion of ground floor retail use to office use on Parcel A conformed with zoning, since office is an allowed use in the PUD district. The Planning Board specifically noted that the proposed office space was accessed from Bent Street and would therefore not reduce the length of retail frontage along First Street, which was an objective of the Final Development Plan. The conversion reduced the total retail floor area for the entire PUD by approximately 9%.

The below graphics from the Amendment #5 application illustrate the approved retail space conversion.

FIRST STREET PLD | REVISED PB #231A, 4.21.18

EXHIBIT 1 | APPROVED PARCEL A FLOOR PLAN



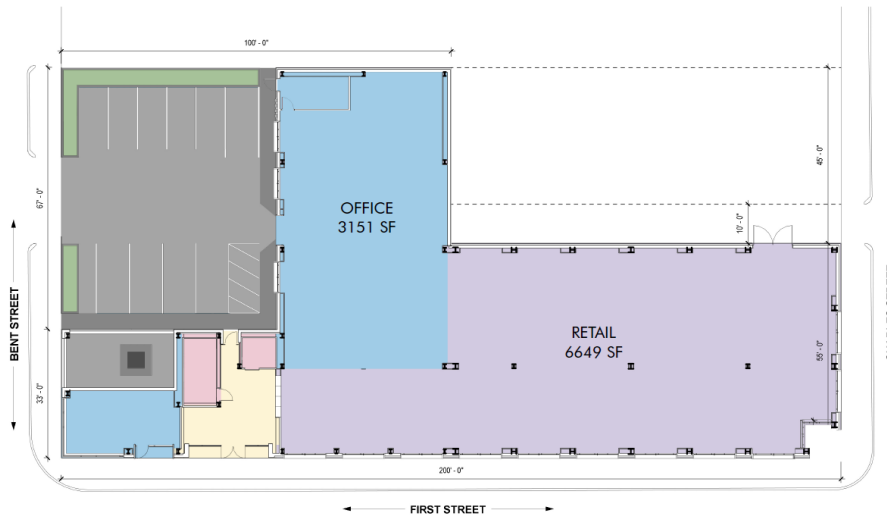
PERKINS — EASTMAN

Figure 2

Figure 2: 7.31.18 Applicant Presentation to the Planning Board

FIRST STREET PLD | REVISED PB #231A, 4.21.18

EXHIBIT 1 | PROPOSED PARCEL A FLOOR PLAN



PERKINS — EASTMAN

Figure 3

Figure 3: 7.31.18 Applicant Presentation to the Planning Board

For Amendment #6 (granted December 13, 2022), the Applicant proposed the conversion of approximately 3,788 square feet of retail space at the ground floor corner of First Street and Charles Street, to be leased to a bank. The Cambridge Zoning Ordinance classifies banks as an office use.



1 Parcel A Retail
1/16" = 1'-0"

Figure 4: 10.31.22 Amendment #6 Submission to the Planning Board

Criteria for Granting Minor Amendments

Per the general PUD provisions in Section 12.37 of the Zoning Ordinance, the Planning Board determines whether changes to the Final Development Plan may be approved as minor amendments. The following guidance is provided in zoning:

(12.37.2) Minor amendments are changes which do not alter the concept of the PUD in terms of density, floor area ratio, land usage, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to, small changes in the location of buildings, open space, or parking; or realignment of minor streets.

(12.37.3) Major amendments represent substantial deviations from the PUD concept approved by the Planning Board. Major amendments shall include, but not be limited to, large changes in floor space, mix of uses, density, lot coverage, height, setbacks, lot sizes, open space; changes in the location of buildings, open space, or parking; or changes in the circulation system.

Conditions 2(e) and 13 of PB-231A Amendment #7 provide the following additional guidance:

2. Approved Uses.

(e) Uses not explicitly authorized in this Special Permit Decision may be permitted upon the issuance of a Minor Amendment by the Planning Board in accordance with Condition #13 below, provided that such

uses are allowed by the Zoning Ordinance or approved in accordance with Section 13.52.6 of the Zoning Ordinance where applicable.

13. Amendments.

The Planning Board may grant future Major or Minor Amendments in accordance with Section 12.37 of the Zoning Ordinance. Except where Minor Amendments are explicitly identified in this Special Permit Decision, the Planning Board shall determine whether a proposed amendment is major or minor according to the provisions set forth in Section 12.37.

While a childcare use was not explicitly authorized in PB-231A or subsequent Amendments, conditions 2(e) and 13 from Amendment #7 permit the Planning Board to authorize additional uses otherwise permitted in the zoning district upon the granting of a Minor Amendment

Within PUD-4 districts, all institutional uses listed in zoning section 4.33 are permitted if they are allowed or conditionally allowed in the applicable base zoning. Childcare uses are allowed as-of-right in the applicable Business A (BA) zoning district.

The Board may approve a minor amendment on the affirmative vote of five Planning Board members.

Zoning Comments on Proposed Amendment

Mix of Uses

In authorizing Minor Amendment #5, the Planning Board found that the proposed conversion of ground floor retail to an office use would not result in any adverse impacts, noting specifically that the overall reduction in retail uses for the PUD was fairly minor (~9%), and that there was no loss of retail frontage along First Street. In authorizing Minor Amendment #6, the Planning Board noted ongoing unsuccessful efforts by the developer to fill vacant retail spaces along First Street and the positive effect of a proposed plan to lease a portion of the remaining Parcel A retail space to David’s Shoes, a longtime, existing local retailer.

In considering this new Minor Amendment, the Planning Board should again review the scale and impact of the proposed change of use- both at the building level and the PUD Development Parcel level.

Parking and Traffic Management

The Applicant proposes to use the existing 18 off-street designated parking spaces to the rear of the use that are accessible from Hurley Street. As noted by condition #4(g) from Amendment #7, all surface parking spaces on Parcel B shall be authorized for use only by the ground-floor retail establishments. It is not clear from the proposal whether any of the surface parking spaces on Parcel A would be reserved for the remaining retail uses. The special permit language does allow surface parking spaces to be reduced without Planning Board approval and in consultation with CDD and TP+T staff, but only for the purpose of creating additional landscaped open space, outdoor space associated with adjacent retail uses, or similar functions.

Design Comments on Proposed Amendment

From an urban design perspective, the main distinction between a typical retail use and a daycare center is that the former tends to have a more transparent and active storefront to create visual interest along the streetscape, while the latter tends to be visually screened and less active. In this case, other than business identification signage, there are no exterior changes proposed to the existing storefront windows or ground floor facades. The proposal maintains the existing entry vestibule at the corner of Charles and First Streets. The lobby is located along the Charles Street façade, with the remaining ground floor frontage comprising a series of infant, and toddler classrooms.

It is unclear from the application materials how issues of privacy and nap time will be addressed with so many classrooms that have immediate sidewalk interfaces. Ensuring that the storefront windows are as open and visually interesting as possible, is an important consideration. Other similar projects have committed to only having shades down during certain hours of the day, e.g., at nap time. Perhaps bottom-up blinds, or half height interior shutters, might be better options to consider than typical roller shades that tend to always be down. Other alternative, creative approaches could also be explored by the Applicant.

While staff understand the minimum space requirements for classrooms, the interior design layout could be refined to help improve the proposal's streetscape appearance. Some possible improvements include:

- Expanding the entry vestibule to the corner column/pilaster on First Street so that it is not so pinched by the Toddler #1 room.
- Where possible, aligning internal classroom partitions with mullions, rather than landing those in the middle of windows panes.

Conditions

If the Planning Board approves the change as a Minor Amendment, two Special Permit conditions of Amendment #7 would need to be modified:

- Condition 2(a) of Amendment #7 only authorizes retail uses in the designated retail spaces of the Final Development Plan, and would need to be updated to authorize the proposed daycare use on Parcel B.
- Condition 4(g) of Amendment #7 only authorizes the surface parking on Parcels A, B, D, and E for use by ground-floor retail establishments, and would need to be modified to accommodate spaces reserved for the daycare use.

The following is a summary of issues that staff recommends should be further studied by the Applicant, either in preparing revised materials if the Planning Board continues the meeting to a future date, or as items for ongoing design review by staff if the Board decides to approve the amendment:

- Signage details.
- More detailed elevations that show specific signage and how the interior design of the facility has an impact on the transparency of windows.
- Details of any proposed window treatments, including level of opacity, application method, and usage.
- Further details of the use and design of the surface parking spaces adjacent to Hurley Street.