



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2018 MAY 30 PM 1:26
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	26 Amendment #5
Address:	125 Cambridgepark Drive (Formerly 115 Rindge Avenue Extension)
Zoning:	Office 2A (O-2A), Alewife Overlay District 6 (AOD-6), Flood Plain Overlay District
Applicant:	PPF OFF Cambridge Park Drive LLC, 125 Cambridgepark Drive, Cambridge, MA
Owner:	PPF OFF Cambridge Park Drive LLC, 1585 Broadway, 37 th Floor, New York, NY 10036
Application Date:	April 25, 2018
Date of Planning Board Public Hearing:	May 15, 2018
Date of Planning Board Decision:	May 15, 2018
Date of Filing Planning Board Decision:	May 30, 2018
Application:	Amendment to Special Permit Decision granted on September 15, 1982 for development in the Flood Plain Overlay District (Section 20.70) and special permit to allow retail use in the Alewife Overlay Districts (Section 20.94.1) to allow portions of the first floor of 125 Cambridgepark Drive to be used as a café and a full-service restaurant pursuant to Sections 4.35.e and 4.35.f.1.
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 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 Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Amendment Application submitted on April 25, 2018, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Project Narrative, Community Outreach Summary, photographs of existing building, and plan set prepared by Gensler + OJB Landscape Architecture containing elevations dated 3/14/2018, first floor plan dated 4/9/2018, and land survey (Feldman Land Surveyors) dated 6/20/2011 and updated through 3/2/2017.
2. Presentation slides shown to Planning Board on 5/15/2018.
3. Renderings of deck provided to Planning Board on 5/15/2018.

City of Cambridge Documents

4. Memorandum to the Planning Board from Community Development Department staff, dated 5/8/2018.
5. Email communication from Jennifer Letourneau, Director of Cambridge Conservation Commission to Community Development Department staff, dated 5/15/2018.

APPLICATION SUMMARY

Special permit PB-26, granted in 1982, authorized the construction of an office building at 125 Cambridgepark Drive (known as 115 Rindge Avenue Extension at the time) served by surface parking on that lot and another lot across Cambridgepark Drive (formerly, Rindge Avenue Extension). The special permit was subsequently amended four times to modify the parking provisions for the site as the surface parking was redeveloped into office and residential buildings with structured parking facilities (150 Cambridgepark Drive, 160 Cambridgepark Drive, 130 Cambridgepark Drive, and 88 Cambridgepark Drive). The site is located in the Office-2A (O-2A) zoning district as well as in Alewife Overlay District 6 (AOD-6). The project received a Flood Plain Special Permit in 1982, prior to the establishment of AOD-6. The current application seeks an amendment to the original Decision to allow portions of the first floor to be used as a café and a full-service restaurant. The proposed retail uses are not allowed as-of-right in the base district, but the AOD-6 provisions allow the Planning Board to approve retail establishments by special permit subject to certain limitations. No additional parking is proposed to be added and all parking for the retail uses will be accommodated within its existing inventory of commercial parking spaces. The development of the restaurant and café space will involve some alterations to the building façade and the construction of an outdoor patio along a portion of the Cambridgepark Drive frontage.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Special Permit for Modifications to Permitted Uses in Alewife Overlay Districts in base Office district (Section 20.94.1)

20.94 Modifications to Permitted Uses

20.94.1 Additional Permitted Uses. In any base office or industrial district all uses listed in Section 4.35 - Retail Business and Consumer Service Establishments shall be permitted by special permit from the Planning Board (if not otherwise allowed as of right in the district), subject to the following limitations unless the limitations are specifically waived by the Planning Board upon its finding that the purposes set forth in Section 20.92 above have been met:

- 1. No individual establishment may exceed 10,000 square feet in area.*
- 2. The retail use shall be located on the first floor or basement of the building in which it is located.*
- 3. The total Gross floor Area devoted to retail uses may not exceed 10% of the Gross Floor Area of the buildings constructed or authorized on the lot.*

Both establishments are proposed to be on the first floor of the building and each is less than 10,000 square feet in area. The total gross floor area for retail uses is less than 10% of the total gross floor area of the building.

20.92 General Purpose. It is the purpose of this Section 20.90 to augment existing base district zoning regulations to respond to the unique problems and pressures for change in the Alewife area. The regulations contained in this Section 20.90 provide for more careful public scrutiny of future development proposals and provide an opportunity to shape the form and character of that development in ways that will benefit both individual property owners and the general interests of the larger commercial and residential neighborhood as a whole.

These regulations are intended to harness the opportunities presented with the redevelopment of private property in ways that will:

- 1. Encourage forms of development, mix of uses, and range of improvements that will facilitate and encourage walking, biking and transit use and reduce the growth of auto trips in an area already burdened with regional vehicular traffic passing through to other destinations in the metropolitan region;*
- 2. Preserve and enhance the capacity to store floodwater, recharge groundwater and manage the collection and disposal of stormwater in ways that add to the quality and visual appeal of the built environment as well as to the quality of the water itself;*

3. *Minimize the negative impact of new development on the adjacent Cambridge Highlands residential neighborhood while introducing new amenities and services that will benefit the residents of that neighborhood;*
4. *Integrate the entire area through the creation of new pedestrian paths, roadways, green spaces and bridges that will facilitate movement within the several Districts and beyond to the Cambridge Highlands, North Cambridge and Neighborhood Nine neighborhoods and the Fresh Pond Reservation;*
5. *Introduce a significant component of residential living and support retail services to enhance the area's appeal for all persons who come to work, shop as well as live within the Districts; and*
6. *Create an identity and sense of place for the Alewife Districts that parallels the development of the historic urban centers that characterize much of Cambridge.*

The proposed retail uses are consistent with the planning goals for the district, support the existing residential and office uses in the area, and activate the street façade on Cambridgepark Drive. The requested Amendment involves no substantive design changes to the exterior architecture of the building, except for improvements to increase the transparency of the ground floor façade and the construction of an outdoor patio, both of which will further help to enliven the Cambridgepark Drive frontage. It will have minimum impact on floodwater, groundwater and stormwater as the patio is proposed to be permeable and not alter the existing grade. The proposed café and restaurant will be welcome additions to the Alewife Triangle, given the current lack of such walkable retail establishments in the area, and will complement the recently permitted ground-floor retail uses on the same street. Therefore, the Board finds that the proposed change to the project will serve the objectives of the Concord-Alewife Plan.

2. Special Permit for building construction in Flood Plain Overlay District (Section 20.70)

Because the original Special Permit Decision involved the granting of a Flood Plain Special Permit, the Board makes the following findings regarding the effects of the proposed Amendment on the criteria for issuance of a Flood Plain Special Permit.

20.75 Criteria. The Planning Board shall grant a Special Permit for development in the Flood Plain Overlay District if the Board finds that such development has met all of the following criteria in addition to other criteria specified in Section 10.43:

1. *No filling or other encroachment shall be allowed in Zone A areas or in the floodway which would impair the ability of these Special Flood Hazard Areas to carry and discharge flood waters, except where such activity is fully offset by stream improvements such as, but not limited to, flood water retention systems as allowed by applicable law.*
2. *Displacement of water retention capacity at one location shall be replaced in equal volume at another location on the same lot, on an abutting lot in the same ownership, on*

a noncontiguous lot in the same ownership, or in accordance with the following requirements.

3. *All flood water retention systems shall be suitably designed and located so as not to cause any nuisance, hazard, or detriment to the occupants of the site or abutters. The Planning Board may require screening, or landscaping of flood water retention systems to create a safe, healthful, and pleasing environment.*
4. *The proposed use shall comply in all respects with the provision of the underlying zoning district, provisions of the State Building Code, Wetlands Protection Act, and any other applicable laws.*
5. *Applicants for development in the Alewife area shall be familiar with area-specific and general city-wide land use plans and policy objectives (e.g. Concord-Alewife Plan, A Report of the Concord Alewife Planning Study, November 2005; Toward a Sustainable Future, Cambridge Growth Policy, 1993, Update, 2007; Section 19.30 - Urban Design Objectives of this Zoning Ordinance) and shall demonstrate how their plan meets the spirit and intent of such documents in conjunction with the requirements of this Section 20.70 - Flood Plain Overlay District and Section 20.90 – Alewife Overlay Districts 1-6.*
6. *The requirement of Section 20.74(3) has been met.*

The proposed project will replace the existing impervious walkway along Cambridgepark Drive and add a pervious deck of approximately 1,200 – 1,300 square feet without altering the existing grade, thereby having a negligible, if any, impact on the flood water retention capacity of the site. The proposed project will comply with applicable provisions of the Cambridge Zoning Ordinance, as set forth in these Findings, and will comply with the State Building Code. The Planning Board received a communication from the Cambridge Conservation Commission (ConsComm) indicating that it will determine whether the deck construction will require ConsComm review under the provisions of the Wetlands Protection Act prior to issuance of a building permit and expressing confidence that the applicable requirements will be met. Hence, the Board finds that the proposal meets the criteria set forth in Section 20.75.

3. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when 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:

(a) It appears that requirements of this Ordinance cannot or will not be met, or ...

Upon granting of the requested special permits, it appears that the requirements of the Ordinance will be met.

- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...*

The proposed change will not create any new congestion, hazard, or change in neighborhood character. Patterns of access and egress are not changed since the original Special Permit Decision.

- (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...*

The proposed change of use will not affect the adjacent permitted uses.

- (d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or ...*

The proposed use change will not create nuisance or hazard, and all development activity will be subject to applicable health and safety regulations.

- (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...*

The proposed use fits the existing and anticipated pattern of development in addition to enhancing the integrity of the district.

- (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.*

The Board finds no inconsistency with the citywide urban design objectives. The urban design objectives are generally supported in the proposal by the increased variety of uses, improved streetscape appearance, consistency with the pattern of development in the area, minimal environmental impacts on abutters, and minimal impact on City infrastructure.

DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. A café and restaurant are hereby authorized as permitted uses within the building at 125 Cambridgepark Drive. The location of authorized retail uses shall be in substantial conformance with the plan set prepared by Gensler + OJB Landscape Architecture, contained in the Application Documents.
2. The construction of the proposed deck along Cambridgepark Drive shall be reviewed by the Cambridge Conservation Commission to certify compliance with applicable standards prior to issuance of a Building Permit for that feature.
3. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for the project, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the building permit are consistent with and meet all conditions of this Decision.
4. The Permittee shall address the following design comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
 - a. Materials of the deck and its railing.
 - b. Improvements to existing features, such as the electrical equipment located on the sidewalk near the southwest corner of the building, which should be pursued where practical.
 - c. Details of the curtainwall and operation of overhead doors.
 - d. Outdoor lighting fixtures.
 - e. Location of kitchen exhaust vents.
5. Except as explicitly modified by this Special Permit Decision, all other Conditions set forth in the previously granted Special Permit Decision PB #26 and subsequent amendments shall continue to apply.

Voting in the affirmative to approve the Special Permit Amendment were Planning Board Members Louis Bacci, Jr., Steven Cohen, H Theodore Cohen, Tom Sieniewicz, Mary Flynn, Hugh Russell, and Associate Member Nikolas Bowie, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



H Theodore Cohen, Chair.

A copy of this decision PB #26 Amendment #5 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 accurate copy of the above decision has been filed on May 30, 2018, with the Office of the City Clerk by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:
_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk