



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No.: PB #38

Premises: One Canal Park at First and Cambridge Street

Zoning District: Business A/PUD-4

Original Petition: PUD Special Permit to construct 264,520 square feet of gross floor area

Applicant: Equity Office Properties, 245 First Street, Cambridge, MA

Date of Original Decision Approval: July 3, 1984

Date of Approval of First Minor Amendment: January 8, 1985

Date of Approval of Minor Amendment No. 2: February 5, 1985

Date of Approval of Minor Amendment No. 3: February 15, 1988

Date of Approval of Minor Amendment No. 4: September 6, 1988

Major Amendment No. 1 Application: Application to allow office use in addition to retail use on the ground floor of One Canal Park

Date of Major Amendment No. 1 Application: March 16, 1999

Date of First Public Hearing: June 1, 1999

Date of Second Public Hearing: June 15, 1999

Date of Planning Board Decision: June 15, 1999

Date of Filing of Major Amendment No. 1: June 25, 1999

Decision: Approved with conditions

1999 JUN 25 A 11: 31
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case No.: PB #38

Premises: One Canal Park at First and Cambridge Street

Zoning District: Business A/PUD-4

Original Petition: PUD Special Permit to construct 264,520 square feet of gross floor area

Applicant: Equity Office Properties, 245 First Street, Cambridge, MA

Date of Original Decision Approval: July 3, 1984

Date of Approval of First Minor Amendment: January 8, 1985

Date of Approval of Minor Amendment No. 2: February 5, 1985

Date of Approval of Minor Amendment No. 3: February 15, 1988

Date of Approval of Minor Amendment No. 4: September 6, 1988

Major Amendment No. 1 Application: Application to allow office use in addition to retail use on the ground floor of One Canal Park

Date of Major Amendment No. 1 Application: March 16, 1999

Date of First Public Hearing: June 1, 1999

Date of Second Public Hearing: June 15, 1999

Date of Planning Board Decision: June 15, 1999

Date of Filing of Major Amendment No. 1: June 25, 1999

Decision: Approved with conditions

Application

1. Special Permit application for a Major Amendment dated March 16, 1999 to allow office use in addition to retail uses on the ground floor of One Canal Park.

Other documents submitted

1. Statement in support of application for a Major Modification of PUD Special Permit No. 38.
2. Letter to the Planning Board from Robert Brierley dated June 14, 1999 supporting the application to allow office use on the ground floor and presenting the various marketing efforts that have been undertaken to lease this space to retail tenants.
3. Memo to the Planning Board from the Community Development Department, dated June 15, 1999 outlining the history of Planning Board actions on similar conditions attached to special permits in the East Cambridge waterfront.

Public Hearings

On June 1, 1999, the Planning Board held a public hearing on Special Permit No. 38, Major Amendment No. 1 Application. Nancy Davids and Adam Hundley of Goulston & Storrs along with Robert Brierley, Property Manager for Equity Office Properties and Kelly Byrne, Retail Leasing Representative for Equity Office Properties presented the application for the Petitioner. Attorney Davids presented the request to allow office use as well as retail use on the ground floor of the building citing the pertinent sections of the ordinance for this amendment. Ms. Byrne and Mr. Brierley discussed the history of the marketing efforts made to lease this property. Mr. Brierley and Ms. Byrne discussed the failure of restaurants located on the ground floor of One Canal, including Full City Cafe as well as First Street Grill. They noted the difficulty they have had marketing the space given the proximity to the CambridgeSide Galleria.

The Planning Board discussed the marketing of the ground floor space. It was commented by the Board that retail uses which were useful for the tenants in the building might have a greater likelihood of success. In addition, the Board suggested that marketing to tenants that would be complimentary to CambridgeSide Galleria as opposed to tenants that would need to be located within CambridgeSide Galleria might be more successful. The Petitioner noted that the building itself is not large enough to support much retail activity on the ground floor. In addition, the Petitioner indicated that the marketing efforts have been extensive but that there has been no particular interest in this location.

Members of the Board indicated that there was still a strong preference for a retail use as that would meet the planning objective of providing a lively and active ground floor around Lechmere Canal. The Board further noted, however, that it appears that none of the surrounding properties have had much success in attracting retail uses other than the

Galleria and that a number of property owners around the Canal have sought relief from the requirement in their special permits that required retail uses on the ground floor. The members did recognize certain difficulties inherent in this location including, for example, lack of street visibility. All of these unforeseen complications merited the proposed amendment to the Special Permit as contemplated under Article 12.37 of the Ordinance.

One member of the public spoke in opposition to the amendment. He commented that this location is one that would be ideal to have a lively, active ground floor use, perhaps an entertainment-type use.

Les Barber, CDD Staff, noted that at 10 Canal Park office uses were approved on the ground floor on a temporary basis. Mr. Barber also stated that if the Board were inclined to approve a temporary change of use, the open feeling on the ground level of this building should not be altered by improvements to accommodate an office tenant. No change to accommodate an office tenant should be made that would make it difficult to change the use of the space back to retail in the future. These considerations lead the Board to conclude that design review by the Community Development Department Staff should be required for plans for office tenants in order to confirm the foregoing.

A second public hearing was held on June 15, 1999. Mr. Barber, in response to a request made by the Board at the first public hearing, presented the history of similar provisions for ground floor retail use at seven special permit locations in East Cambridge. The summary indicated that few had been successful and that some relaxation of the retail requirement has been granted by the Board in all instances. No further public comment was received at the hearing.

Findings

1. The Petitioner has encountered difficulties in meeting the conditions of the original PUD Special Permit granted in July 1984 because of market conditions which could not have been reasonably foreseen by the Planning Board at the time the permit was granted.
2. The Planning Board finds that the Petitioner has made a good faith effort to attract and sign retail tenants for the ground floor of One Canal Park.
3. Office use would meet the objective of encouraging activity at a modest level around the Lechmere Canal in accordance with the PUD-4 district development controls set forth under 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 in the public realm that was the objective of the retail requirement at its inception.
4. The office use is allowed in a PUD-4 district and meets all other requirements of the PUD-4 and Article 12.

5. By authorizing the additional potential use, no change of any dimensional requirements are required. There will be no structural modification of the existing building and no exterior facade changes. The expansion of permitted uses on the ground floor of One Canal Park provides benefits to the City that outweigh its adverse effects, due to the potential for occupancy of currently vacant space and the provision of services to the area.

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. The Board continues, however, to prefer the use of such space for retail activities. Therefore, the Board is not prepared at this time to accept this conversion as permanent. The Board therefore finds that this change to add office use to the permitted uses allowed in the building on the first floor should be for a limited period of time and Petitioner shall not enter into any leases for an office use with a term of more than five years to ensure that there will be an opportunity to undertake additional review of the circumstances in the future.

7. The Community Development Department will review and approve plans to accommodate the conversion to office space. The uses accommodated and the physical layout proposed will be as active and visually engaging as possible, and shall not involve the blocking off of windows or otherwise substantially diminish the visually accessible nature of the space, as would be characteristic of a retail operation.

Decision

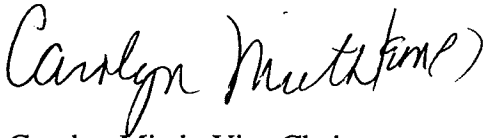
The Board grants Major Amendment No. 1 to allow the expansion of uses allowed in the original Special Permit No. 38 to include office uses, as set forth in Section 13.52.3, as well as retail uses on the ground floor. Those office uses will be permitted subject to the following conditions and limitations.

1. The authorization shall be permitted on a temporary basis only. The term of any lease or combination of leases entered into by the Petitioner for office use for any portion of the ground floor for which this Amendment is applicable (this amendment not affecting in any way the continued operation of the bank facility already established on the ground floor) shall not extend beyond January 1, 2005. At or before that date, the Petitioner shall return the use of the space to any originally permitted retail use, or shall seek further approval from the Planning Board for continued office use, as a Minor Amendment to the Special Permit.

2. The Community Development Department shall review and approve all plans for use of any space on the ground floor of the building to ensure that all objectives of the East Cambridge Plan continue to be met with regard to visual access by the public into the space and to ensure that no physical changes are made that would preclude the return to retail use in the future. Such approval shall be secured before the issuance of any occupancy permit is granted for a new office use.

Voting to GRANT the Major Amendment were H. Russell, A. Cohn, W. Tibbs, S. Lewis, and K. Benjamin, Associate member appointed to act on this petition, constituting more than two thirds of the membership of the Planning Board. Voting in opposition was C. Mieth.

For the Planning Board,

A handwritten signature in cursive script that reads "Carolyn Mieth (Vice Chair)".

Carolyn Mieth, Vice Chair

The Planning Board certifies that the decision attached hereto is a true and correct copy of its decision granting the Major Amendment to Special Permit #38, and that a copy of this decision and all plans referred to in the decision have been filed with the Office of the City Clerk and the Planning Board. Appeal 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 decision filed with the Office of the City Clerk on June 25, 1999 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:

City Clerk, City of Cambridge