

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2013 DEC 9 PM 7 16

NOTICE OF DECISION

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Case Number:	38 Amendment #8 (Major #4)
Address:	One Canal Park
Zoning:	Business A / PUD-4
Applicant/Owner:	MA-One Canal Park, L.L.C. c/o Hinckley, Allen & Snyder LLP 28 State Street, Boston, MA 02109
Date of Original Special Permit	July 3, 1984
<u>Dates of Prior Amendments</u>	
Minor Amendment #1: January 8, 1985	Major Amendment #1: June 15, 1999
Minor Amendment #2: February 5, 1985	Major Amendment #2: October 29, 2002
Minor Amendment #3: February 15, 1988	Major Amendment #3: May 4, 2010
Minor Amendment #4: September 6, 1988	
Application Date for Amendment #8:	September 27, 2013
Date of Preliminary Determination:	October 29, 2013
Date of Second Public Hearing:	November 12, 2013
Date of Planning Board Decision:	November 12, 2013
Date of Filing Decision:	December 9, 2013
Application:	Proposal to amend the previously approved Final Development Plan to reduce the required number of leased parking spaces from 130 to 100.
Determination:	The Planning Board GRANTS the requested Major Amendment, 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 action with the City Clerk. Copies of the complete determination and application are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Jeffrey C. Roberts JCR 12/9/13.

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

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Application for Amendment to PUD Development Plan prepared by David P. Connolly of Hinckley, Allen & Snyder LLP, representing the Applicant, dated September 27, 2013, including: cover letter; transportation demand management analysis and employee survey prepared by Tetra Tech dated April 5, 2012; and copy of Executed Amended Parking Lease documents dated as of June 21, 2013, between the City of Cambridge, MA and MA-One Canal Park, L.L.C.

Other Documents

2. Memorandum from Susan Clippinger, Director of Traffic, Parking and Transportation, dated October 29, 2013.
3. Planning Board Preliminary Determination dated October 29, 2013.
4. Revised memorandum from Susan Clippinger, Director of Traffic, Parking and Transportation, dated November 5, 2013.

SUMMARY OF APPLICATION

The Applicant is requesting to reduce the required amount of additional parking over the zoning minimum as required to be leased in the City's East Cambridge Parking Garage pursuant to the Existing Decision from 130 spaces to 100 spaces.

FINDINGS

A public hearing was held on October 29, 2013 at which the Board heard testimony from the Applicant and the public. At that meeting, the Planning Board made a Preliminary Determination conditionally approving the proposal with requests for additional information. A second public hearing was held on November 12, 2013.

After review of the Application Documents and other documents submitted to the Planning Board, testimony at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance, the Planning Board makes the Findings set forth on the following pages.

1. Approval of a Development Proposal (Section 12.35.3)

12.35.3 Approval of the Development Proposal shall be granted only upon determination by the Planning Board that the Development Proposal:

- (1) conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth for the specific PUD district in which the project is located;*
- (2) conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located;*
- (3) provides benefits to the city which outweigh its adverse effects; in making this determination the Planning Board shall consider the following:*
 - (a) quality of site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public;*
 - (b) traffic flow and safety;*
 - (c) adequacy of utilities and other public works;*
 - (d) impact on existing public facilities within the city; and*
 - (e) potential fiscal impact.*

The Board finds that the proposed amendment results in a Development Proposal that continues to meet the applicable zoning controls as well as the adopted plans and guidelines for the district.

2. Response to Requests for Information

At the November 12, 2013 hearing, the Applicant discussed the potential parking demand for retail uses that may occupy the now-vacant ground floor space on First Street, and described efforts that have been made to secure a retail tenant for that ground-floor space. A representative of TetraTech, Inc. described an estimated demand of 68 total parking spaces if the building were fully leased for office uses, and an estimated demand of 69 total parking spaces if the currently vacant ground-floor spaces were leased for retail uses. The Traffic, Parking and Transportation Department also responded that there would be adequate supply in the East Cambridge Parking Garage to serve ground-floor retail uses. A representative of the Dartmouth Company, a retail brokerage firm working on behalf of the owner, described efforts that have been made to actively market the ground-floor space to retailers, and noted that while several potential retail tenants have looked seriously at the space, a tenant has not yet been secured.

3. General Criteria for Issuance of a Special Permit (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 ...*

The amendment proposes no change that violates the requirements of the Ordinance.

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

The proposed amendment will not impact traffic patterns or patterns of access or egress.

(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 amendment will not impact the operation or development of adjacent 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 amendment will not cause any nuisance or hazard.

(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 amendment will not detract from the integrity of the district or the intent or purpose of the Zoning Ordinance.

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

No new building construction or modification is proposed, therefore the proposed amendment will not impact the urban design characteristics of the project.

DECISION

Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Major Amendment to the Final Development Plan. All requirements and conditions applicable to Special Permit #38, including all prior Amendments, shall continue to apply, with the exception that the required number of parking spaces leased from the City's East Cambridge Parking Garage shall be reduced from one hundred thirty (130) to one hundred (100).

In accordance with the memorandum from Susan Clippinger, Director of Traffic, Parking and Transportation, dated October 29, 2013, the Permittee shall continue to implement Transportation Demand Management measures to support and encourage employees to commute by means other than single occupancy vehicle, such as transit, bicycling and walking.

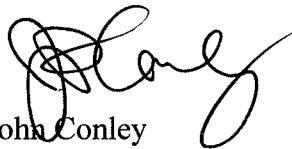
Voting in the affirmative to grant the Major Amendment were Planning Board Members Steve Cohen, Hugh Russell, Tom Sieniewicz, Pamela Winters, and Associate Members Catherine Preston Connolly and Ahmed Nur, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



Hugh Russell, Chair.

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, **MA-One Canal Park, L.L.C.** agrees to the conditions attached to this Decision approving the granting of a Major Amendment to PUD Special Permit #38.



John Conley
Authorized Representative, MA-One Canal Park, L.L.C.

A copy of this decision #38 Amendment #8 (Major) 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 correct copy of the above decision filed with the Office of the City Clerk on December 9, 2013, by Jeffrey C. Roberts, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision. No appeal has been filed.

DATE:

City Clerk of Cambridge