

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2021 MAY 12 PM 3:30
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION AMENDMENT TO PLANNED UNIT DEVELOPMENT SPECIAL PERMIT

Case Number:	141 AMENDMENT #4 (Minor)
Address:	5 Broad Canal Way (Cambridge Research Park)
Zoning:	Office-3A / PUD-3
Applicant:	TP/P Kendall Retail, LLC One Broadway, 14 th FL, Cambridge, MA 02142
Owner:	c/o Applicant
Date of Final PUD Decision:	March 16, 1999
Amendment #4 Application Date:	March 2, 2021
Amendment #4 Decision Date:	March 23, 2021
Date of Filing Amendment #4:	May 12, 2021
Application:	Minor Amendment to convert a space previously approved for retail use (3,642 square feet) into a dentist office.
Decision:	APPROVED AS MINOR AMENDMENT with conditions.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this decision, please contact Swaathi Joseph at 617-349-4668, or sjoseph@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Letter to the Planning Board from Ron Bily of TP/P Kendall retail, LLC requesting a Minor Amendment to PB #141 dated 3/2/2021 and includes plan set titled 'tend' with floor plan, storefront rendering, and details.
2. Presentation slides shown to the Planning Board on 3/23/2021.

City of Cambridge Documents

3. Memorandum to the Planning Board from Community Development Department staff, dated 3/16/2021.

FINDINGS

After review of the Application Documents and other materials presented to the Planning Board, 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.

When determining whether a proposed amendment to a PUD Special Permit is major or minor, the Board is guided by the following Section 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.

The Board finds that the proposed change constitutes a minor amendment because it constitutes a small change to the relative mix of retail and office uses in the Final Development Plan while permitting a service-oriented non-retail commercial use in a space previously approved for retail, which is not a significant alteration to the concept of the PUD as originally approved. No change is proposed to the approved total GFA of this development. The proposal would not add to the general office/laboratory development that makes up the larger part of this PUD, because the proposed use is a service-oriented office use providing medical services. The proposed conversion of 3,642 square feet from retail use to office use constitutes only 0.2% difference in total GFA allocation by use, and only about 5% of the existing retail space. For these reasons, the proposed use change is allowed as a minor amendment.

DECISION

Based on a review of the Application Documents, other materials presented to the Planning Board, and the above Findings, the Planning Board hereby GRANTS the requested Amendment to Special Permit #141, subject to the following conditions and limitations:

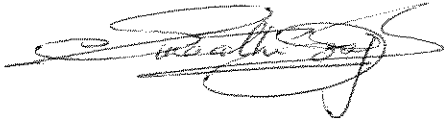
1. Except as specifically modified by this Amendment, all use, building construction, and site plan development shall be in substantial conformance with the Final Development Plan approved in Planning Board Special Permit #141, as modified by any prior approved Amendments.
2. Except as specifically modified by this Amendment and any prior approved Amendments, all development shall be subject to the Conditions set forth in Planning Board Special Permit #141.
3. The Board specifically approves the conversion of 3,642 square feet from retail use to “Office of a physician, dentist or other medical practitioner not located in a clinic” as listed in the Table of Use Regulations, Section 4.34-a. of the Cambridge Zoning Ordinance. The approved change results in the following changes to the general distribution of gross floor area within the PUD:

	Approved Change in GFA (SF)	Approved Total GFA (SF)	Percent of Total GFA of PUD
Office/Lab	+ 3,642	757,970	55%
Residential	No change	467,530	34%
Hotel	No change	0	0%
Retail	- 3,642	150,500	11%
TOTAL	No change	1,376,000	100%

4. The storefront design shall generally conform with the plan set titled ‘tend’, except that the western half of the storefront façade shall be subject to further review and approval by Community Development Department (CDD) staff to be more visually compatible with the established retail character of the building. CDD staff may solicit input from Planning Board members before approving a final design.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Mary Flynn, Hugh Russell, and Tom Sieniewicz, constituting at least two thirds of the members of the Board.

For the Planning Board,

A handwritten signature in black ink, appearing to read "Catherine Preston Connolly", written over a horizontal line.

Representative to the Planning Board, authorized by Catherine Preston Connolly, Chair.

A copy of this determination approving Amendment #4 (Minor) to Planning Board Special Permit #141 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 12, 2021, 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