

CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

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OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## WRITTEN DETERMINATION MINOR AMENDMENT TO PLANNED UNIT DEVELOPMENT

Case Number:	231A Amendment 6 (Minor)
Location of Premises:	121 First Street (85 First Street; 107-119 First Street; 121-139 First Street; 159 First Street; 65 Bent Street; 29 Charles Street; 14-26 Hurley Street)
Zoning:	Business A / PUD-4B; Industry A-1 / PUD-4B
Applicant:	First Street -US, LLC 111 First Street, Cambridge MA
Owners:	US Parcel A, LLC 55 Bent Street, Cambridge MA 02141
Application Date:	October 31, 2022
Date of Determination:	December 13, 2022
Summary of Proposal:	Minor Amendment to 121 First Street (Parcel A) to convert 3,788 square feet of the ground story from retail use to bank use.
Determination:	<b>APPROVED AS MINOR AMENDMENT.</b>

Copies of this Written Determination and 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 Written Determination, please contact Swaathi Joseph at 617-349-4668, or [sjoseph@cambridgema.gov](mailto:sjoseph@cambridgema.gov).

## **DOCUMENTS SUBMITTED**

### Documents Submitted by Permittee

1. Request for Minor Amendment to PUD Development Plan from Urban Spaces, LLC dated 10/31/2022, including summary letter, application cover sheet, ownership certificate, dimensional form, project narrative, and plan set prepared by DMS Design, LLC dated 10/31/2022.
2. Presentation slides shown to Planning Board on 12/13/2022.

### Other Documents

3. Memo to the Planning Board from Community Development Department (CDD) Staff, dated 12/5/2022.

## **SUMMARY OF REQUEST**

The Permittee seeks a Minor Amendment to Special Permit PB-231A first issued on August 3, 2010 and subsequently amended on June 5, 2012 (Minor), October 1, 2013 (Major), December 15, 2015 (Major), August 1, 2017 (Minor), and July 31, 2018 (Minor).

The requested Minor Amendment proposes the modification of 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.

## FINDINGS

### 1. Minor Amendment to Planned Unit Development Special Permit (Section 12.37)

The following standards are set forth in the Zoning Ordinance regarding Minor Amendments to Planned Unit Development Special Permits.

*12.37.1 Amendments to the Final Development Plan shall be considered major or minor. Minor amendments, as specified in Section 12.37.2 shall be authorized by written approval of the Planning Board. Major amendments, as specified in Section 12.37.3, shall be considered as an original application for a Special Permit to construct a PUD and shall be subject to procedures specified in Section 12.34 through 12.36. The Planning Board shall decide whether proposed changes are major or minor.*

*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 following condition of Special Permit Decision PB-231A, as most recently amended, provide some guidance to determine what changes would constitute Minor Amendments as they pertain to the current proposal:

1. Condition 2.a. provides that that retail use is allowed on Parcel A and that a Minor Amendment is required to allow an alternate, permitted use.
2. Condition 9 states that 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 based on Section 12.37 of the PUD zoning.

The Board finds that sufficient information has been provided in the Request for a Minor Amendment dated October 31, 2022 and the communication from CDD staff dated December 5, 2022 to determine that the proposed modifications are consistent with the Conditions of Special Permit Decision PB-231A, as amended, and therefore may be approved as a Minor Amendment. The Board finds that the proposed partial conversion of ground floor retail use to a bank use is a positive benefit to the broader area and its residents. The Board notes that this area of East Cambridge does not have many ground-floor bank uses, and a bank use can provide valuable services to the neighborhood. The Board also notes that there are remaining retail spaces in the ground story which can help support an active pedestrian realm along First Street, which is a primary goal of the PUD.

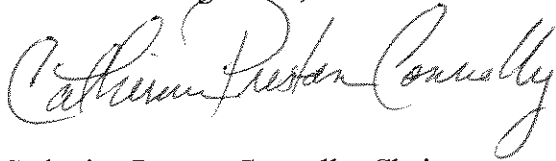
## **DETERMINATION**

Based on a review of the documents submitted and the above Findings, the Planning Board hereby approves the requested changes as a Minor Amendment to the Planned Unit Development (PUD) Final Development Plan authorized by Planning Board Special Permit Decision PB-231A, subject to the following conditions and limitations:

1. In approving the Minor Amendment, the Board hereby makes the following modification to the Conditions of Special Permit Decision PB-231A, with reference to the Conditions set forth in Amendment 6 (Minor):
  - a. Condition 2.a.: Retail uses allowed in Section 13.52.4 shall be permitted in the retail spaces designated in the Final Development Plan at 159 First Street, Parcel A, Parcel B and Parcel D. Notwithstanding the foregoing, up to 3,788 square feet of the ground story of Parcel A may contain a Bank, trust company or similar financial institution use (4.34.e in the Table of Permitted Uses).
2. Exhibit A attached to this determination summarizes the dimensional characteristics of the project as modified by this Minor Amendment.
3. The Applicant shall address the following design comments through the continuing design review process by staff. 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. Final design of windows and window treatments, entry door, signage, lighting, façade details, and other exterior details.
  - b. Detailed elevations illustrating the impact of the interior design of the bank on transparency from the public realm, and opportunities to maximize the sense of activity and vibrancy of the space as it relates to the street. Particularly, the Applicant shall evaluate the design of the ATM vestibule and interior counter stub along Charles Street, among other items.
4. Except as explicitly set forth above, the Conditions of Special Permit Decision PB-231A and all subsequent amendments shall continue to be in effect.

Voting in the affirmative to APPROVE the Minor Amendment were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Mary Flynn, Hugh Russell, Tom Sieniewicz, and Catherine Preston Connolly.

For the Planning Board,

A handwritten signature in cursive script, reading "Catherine Preston Connolly". The signature is written in black ink and is positioned below the text "For the Planning Board,".

Catherine Preston Connolly, Chair.

A copy of this determination approving Amendment 6 (Minor) to Planning Board Special Permit PB-231A 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 January 10, 2023, 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

