

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2024 APR 16 AM 10:00
CITY OF CAMBRIDGE, MASSACHUSETTS

WRITTEN DETERMINATION MINOR AMENDMENT TO PLANNED UNIT DEVELOPMENT

Case Number:	364 Amendment 3 (Minor)
Location of Premises:	100 Cambridgeside Place, 60-68 and 106-108 First Street
Zoning:	Business A (BA), PUD-4 Overlay District, PUD-8 Overlay District
Applicant:	New England Development 75 Park Plaza, Boston, MA 02116
Owners:	NW Cambridge Property Owner LLC (60-68 First Street) 575 Fifth Avenue, New York, NY 10017 Cambridgeside Galleria Associates Trust u/d/t dated April 1, 1985 (100 Cambridgeside Place) 75 Park Plaza, Boston, MA 02116 CambridgeSide Partners LLC (106-108 First Street) 75 Park Plaza, Boston, MA 02116
Application Date:	February 8, 2024
Date of Determination:	March 12, 2024
Summary of Proposal:	Minor Amendment to allow the Planning Board to grant an extension of the Design Review approval period by increments of up to two years and to update the Phasing Timeline included in Appendix A of the Special Permit to allow for a two-year extension of the commencement and completion dates established for the Subsequent Phase buildings.
Determination:	APPROVED AS MINOR AMENDMENT.

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.

DOCUMENTS SUBMITTED

Documents Submitted by Permittee

1. Request for Minor Amendment to PUD Development Plan from New England Development, dated 2/8/2024.

Other Documents

2. Memo to the Planning Board from Community Development Department (CDD) Staff, dated 3/5/2024.

SUMMARY OF REQUEST

The Special Permit for the CambridgeSide Planned Unit Development (PB-364) was granted by the Planning Board on December 22, 2020. This plan involves retaining the core part of the mall building and constructing four new buildings in two phases. The Initial Phase Buildings are 20 CambridgeSide Place and 60 First Street, containing all office/laboratory development. The Subsequent Phase Buildings are 80 First Street and 150 CambridgeSide Place, which include office/laboratory development along with mixed-income housing.

Condition 4 of Special Permit PB-364 requires the Applicant to obtain a Building Permit within two years of Design Review approval for each building. The requested Minor Amendment would allow the Planning Board to grant an extension of the Design Review approval period by increments of up to two (2) years as a general business item at a regularly scheduled Board meeting and to update the Phasing Timeline in Appendix A of the Special Permit to reflect the two-year extension.

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.

Condition 5 of Special Permit PB-364 (Timing and Phasing) also provides the following guidance:

Modifications to the Phasing Plan or to this Condition #5 may be approved by the Planning Board as Minor Amendments pursuant to Condition #15 of this Decision, provided that all other Conditions of this Decision and requirements of the CZO continue to be met, in particular the requirements of Section 13.104.1(d) of the CZO.

The Board finds that sufficient information has been provided in the Request for a Minor Amendment dated 2/8/2024 and the communication from CDD staff dated 3/5/2024 to determine that the proposed modifications are consistent with the Conditions of Special Permit Decision PB-364 and 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, and therefore may be approved as a Minor Amendment.

The Board finds that the proposed amendment would not change the design or program of the Subsequent Phase buildings and would not change the location of any buildings, parking, or open space. If any significant changes to the design are proposed, the Applicant will need to return to the Planning Board to approve the design changes.

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-364, subject to the following conditions and limitations.

1. Condition 4 of Special Permit Decision PB-364 shall be amended to read as follows:

In granting a Project Review Special Permit under Section 19.20 for the Final Development Plan, the Planning Board hereby approves buildings as presented in conceptual form, subject to later design review by the Planning Board. The Planning Board shall review and approve the specific design of each building contained within the approved Final Development Plan, including any Open Space and landscape elements associated with that building, at a regular Board meeting at which the design has been placed on the agenda, within two (2) years prior to issuance of a Building Permit for that building. The Permittee may also submit interim materials for review and comment by the Planning Board prior to seeking final design approval. The Planning Board may grant an extension of the Design Review approval period by increments of up to two (2) years as a general business item at a regularly scheduled Board meeting.

2. The Phasing Timeline shall be amended in accordance with the Application Documents, and as set forth in the revised Appendix A, attached to this Determination.
3. The previous Design Review approvals for the Subsequent Phase Buildings shall be valid for an additional two years until March 8, 2026.
4. Except as explicitly set forth above, the Conditions of Special Permit Decision PB-364, as modified by prior Amendments, shall continue to be in effect.

Voting in the affirmative to APPROVE the Minor Amendment were Planning Board Members H Theodore Cohen, Mary Flynn, Mary Lydecker, Tom Sieniewicz, Ashley Tan, and Associate Member Diego Macias appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board.

For the Planning Board,

A handwritten signature in cursive script that reads "Mary Flynn".

Mary Flynn, Chair.

A copy of this determination approving Amendment 3 (Minor) to Planning Board Special Permit PB-364 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 April 16, 2024 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

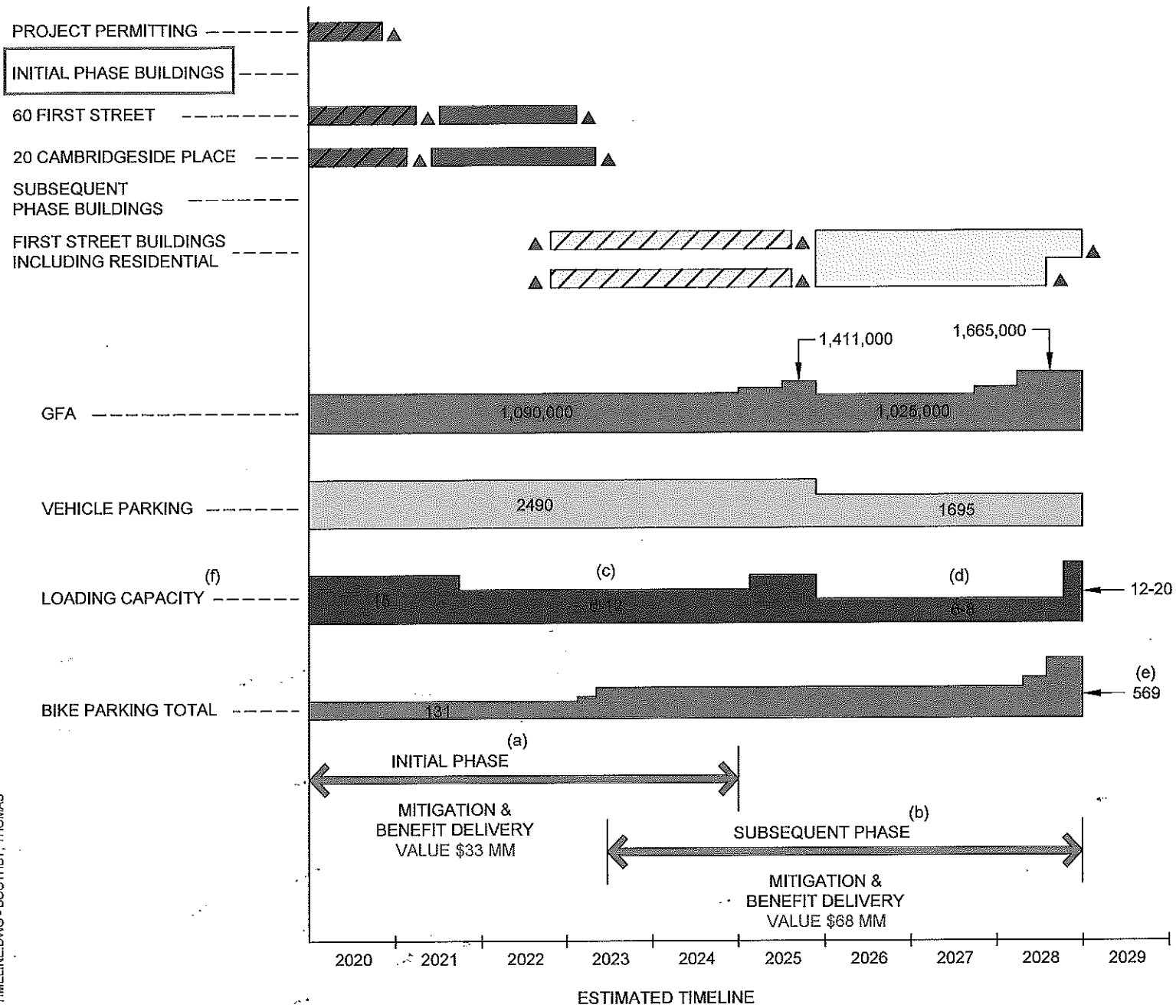
_____ an appeal has been filed within such twenty days.

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



NOTES:

- (a) FOR DETAILED DESCRIPTION OF BENEFITS DELIVERY AND CONTINUATION PLEASE SEE TABLE 2, SECTION H.
- (b) SUBSEQUENT PHASE SCHEDULE ACTIVITIES DEPEND UPON MARKET & ECONOMIC CONDITIONS OVER THE NEXT FEW YEARS.
- (c) DURING PART OF THE 20 CAMBRIDGESIDE CONSTRUCTION - LOADING DEMAND IS REDUCED BY SEARS AND MACY'S CLOSINGS.
- (d) DURING THE UPPER GARAGE DEMO AND FIRST STREET BUILDING RECONSTRUCTION - LOADING DEMAND IS REDUCED BY BEST BUY CLOSING.
- (e) TOTAL OF ON-SITE SHORT TERM AND LONG TERM SPACES.
- (f) THE RANGES PROVIDED ACCOUNT FOR CONSTRUCTION ACTIVITY USE AND ULTIMATE CONFIGURATION OF THE NUMBER AND TYPE OF WASTE HANDLING DOCKS.

- PLANNING & DESIGN (b)
- CONSTRUCTION (b)
- ACTIVITY START
- ACTIVITY END