

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF PRELIMINARY DETERMINATION TO THE FOR PLANNED UNIT DEVELOPMENT PROPOSAR

Case Number: 179 Amendment #3 (Major) O'Brien Highway at First and East Streets in the Location of Premises: North Point District and the MBTA Green Line Lechmere Station at Cambridge Street and O'Brien Highway Zoning: North Point Residence District / PUD-6 Residence C-2B District / PUD-4A Applicant: CJUF III Northpoint LLC (see below) Owners: CJUF III Northpoint LLC c/o HYM Investment Group, LLC One Congress Street, Boston MA 02114 **Boston and Maine Corporation** Iron Horse Park, North Billerica, MA 01862 Massachusetts Bay Transportation Authority 10 Park Plaza, Boston, MA 02116 Application Date: September 7, 2012 Date of Planning Board Public Hearing: October 2, 2012 Date of Planning Board Determination: October 2, 2012 Summary of Proposal: Major Amendment to Planned Unit Development Special Permit (Sections 13.70 and 13.50) and Project Review Special Permit (Section 19.20) for approximately 5,245,854 square feet of residential, office, research and development and retail uses. Determination: APPROVED, with requests for modification.

Copies of this Preliminary Determination and plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Jeffrey C. Roberts

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

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

- 1. Application for Amendments to PUD Development Plan and Project Review Special Permits, containing a cover letter dated 9/7/12, application forms, detailed narrative of master plan enhancements/modifications, exhibits and supplemental information.
- 2. Supplemental information dated 9/7/12.

Other Documents

- 3. Copy of a letter to Susan Sloan-Rossiter, Vanasse Hagan Brustlin, Inc., from Susan E. Clippinger, Director of Cambridge Traffic, Parking and Transportation, dated 9/25/12.
- 4. Copy of Memo to Susan E. Clippinger, from Susan Sloan-Rossiter, dated 9/7/12 (revised) with evaluations of the revisions to the Master Plan.
- 5. Memo to the Planning Board from the Cambridge Bicycle and Pedestrian Committees, dated 9/28/12.
- 6. Email to L Paden, Community Development staff, from Alan Moore, dated 10/2/12.
- 7. Presentation handout to the Planning Board re: North Point Boundary and Land Ownership, from Stephen H. Kaiser, dated 10/2/12.

APPLICATION SUMMARY

The Application seeks a Major Amendment to Special Permit #179 first issued on March 11, 2003 and subsequently amended through Minor Amendments granted on March 6, 2007 and November 18, 2008. The original Planned Unit Development Special Permit allowed for a master planned development on twenty (20) distinct development sites including a total of 5,245,854 square feet of residential and commercial uses, a minimum of 392,000 square feet of open space and a maximum of 4,980 parking spaces. A new roadway network was a component of the approved Final Development Plan, as was the construction of a new, relocated Lechmere MBTA Station. Portions of the Development Parcel are located in the City of Boston and City of Somerville.

The requested Major Amendment includes a Revised Development Plan that retains the overall framework approved in the original Planned Unit Development Special Permit, including the total Gross Floor Area and mix of uses, but makes some modifications, the more substantive of which are listed on the following pages:

October 2, 2012 Page 2 of 8

- The distribution of uses on the development sites has been modified to locate predominantly residential uses along the large park at the center of the parcel and to locate large-scale commercial uses along the northern edge of the Development Parcel where it abuts the active rail line.
- A retail plaza, not conceived in the previously approved Final Development Plan, is proposed along the northerly extension of First Street ("Parcel I").
- The hotel use contemplated in the approved Final Development Plan for "Parcel V" is proposed to be located on "Parcel I" as part of the proposed retail plaza. Instead, "Parcel V" is proposed to be residential with ground-floor retail uses.
- Design changes are proposed to the intersection of Monsignor O'Brien Highway and the northerly extension of First Street to improve pedestrian connections.
- The trajectory of the northerly extension of First Street is changed, curving to the east in order to increase pedestrian plaza area in front of the new Lechmere Green Line Station and to accommodate the proposed retail plaza.
- The construction of a new MBTA Lechmere Station, which was the responsibility of the Permittee in the approved Final Development Plan, will be the responsibility of state agencies in the Revised Development Plan as a result of an agreement between the Permittee and the state.
- The approved pedestrian/bicycle connection from the deck of the Gilmore Bridge into the North Point area, which was provided by means of an interior elevator in the approved Final Development Plan, is now proposed to be provided by means of a connecting park space that is above-grade and open-air and has a stairway and secondary elevator access.
- As a result of amendments to the PUD-6 District zoning adopted in July 2012, six residential buildings and one commercial building in Cambridge (along with one commercial building located in Somerville) are proposed at a maximum height of two hundred twenty feet (220').
- The period for completion of the Master Plan is proposed to be extended through December, 2030, which represents approximately an eight-year extension of the approved Final Development Plan duration.
- A public bicycle-sharing station (Hubway) will be included.
- As a result of amendments to the PUD-6 District zoning adopted in July 2012, above-grade structured parking adjacent to the Gilmore Bridge and the active rail line where the site abuts Boston shall be exempt from the calculation of Gross Floor Area for the parcel, with limitations as set forth in the zoning.

October 2, 2012 Page 3 of 8

- In the Revised Development Plan, in order to retain flexibility in the exact location of retail uses, the Applicant requests that the final locations of retail uses be approved by the Planning Board on a site-by-site basis as part of design review for individual building sites.
- Some modifications to the specific design of the approved roadway network are proposed, including modifications to Childs Street. A 40-scale roadway plan is included in the Special Permit Application; however, the Applicant will continue to work with City staff on refinements to the design to be approved by the Planning Board at a later meeting. The Applicant requests that further modifications to the design of one-block-long street segments may be proposed and approved by the Planning Board during the design review process for individual building sites. Additionally, the Applicant requests that the submission and approval of plans for the construction of NorthPoint Boulevard between Water Street and East Street be required at a later time, in order to resolve design issues related to the construction of the MBTA station and the activity of other abutters to the site.
- The project phasing is modified in such a way as to include an amount of residential and commercial development within each phase that is comparable to the amounts in the approved Final Development Plan.

The Special Permit Application for this Major Amendment includes a comprehensive set of materials intended to replace and supersede the approved Final Development Plan and subsequent amendments previously approved by the Planning Board. The narrative in the Special Permit Application sets forth in detail the amendments to the Special Permit Decision that are being requested.

FINDINGS

Based on a review of submitted Application materials and testimony given at the public hearing, the Board finds that the proposed development meets all standards and criteria for preliminary approval of a Planned Unit Development Proposal as set forth in Article 12.000 of the Zoning Ordinance.

In making this Determination the Board is guided by the standards set forth in Section 12.35.3 of the Zoning Ordinance. The Board accepts and makes reference to the Narrative provided in the Special Permit Application as it responds to those standards.

(1) The Development Proposal conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth in the specific PUD district in which the project is located.

The Revised Development Plan is substantially consistent with the Final Development Plan approved in 2003. Where changes have been proposed, those changes are in conformance with the General Development Controls and the development controls set forth in the PUD-6

October 2, 2012 Page 4 of 8

and PUD-4A Districts. Some of the modifications in the Revised Development Plan are enabled by changes to the PUD-6 regulations adopted by the City Council in July, 2012.

12.51 Applicability and Conformance with Existing Policy Plans

The Revised Master Plan remains consistent with the Eastern Cambridge Design Guidelines and the Eastern Cambridge Planning Study.

12.52 PUD Development Parcel size

The Development Parcel Size of 37.1 acres in Cambridge, which is unchanged from the approved Final Development Plan, exceeds the minimum parcel size required of 100,000 square feet as set forth in Section 13.70 (PUD-6 District). The 72,742 square feet at the current Lechmere Green Line T Station exceeds the 25,000 square feet minimum parcel size required in Section 13.50 (PUD-4A District).

12.53 Standards for Construction of Roadways

The Department of Traffic, Parking and Transportation and the Department of Public Works shall approve the design and construction details of all streets and ways, consistent with the basic details of streets illustrated in the Revised Development Plan.

12.54 Standards for Construction of Utilities and Public Works

The Department of Public Works and the Water Department will be authorized as a condition of this Decision to approve all water and sewer infrastructure construction and stormwater management systems as if such improvements were occurring within public rights-of-way.

12.55 Landscaping

All portions of the site not devoted to roadways and buildings will be suitably landscaped. A substantial amount of parks, plazas, parkways and courtyards will be created. The Revised Development Plan increases the amount and variety of open space provided within the site.

12.56 Environmental Performance Standards

All applicable environmental regulations shall be met. Conformance to the requirements of the City Noise Ordinance and the City's Asbestos Protection Ordinance will be a specific requirement of this Decision.

Development Controls in the PUD-6 District (Section 13.70)

The Revised Development Plan continues to conform to all requirements for a PUD in the North Point Residence District. The modifications to the Final Development Plan include an increase in building height to a maximum of two hundred twenty feet (220') on several

October 2, 2012 Page 5 of 8

parcels, the exemption from Gross Floor Area calculations of above-grade parking adjacent to the active railroad line and Gilmore Bridge, and the relocation of some non-residential Gross Floor Area allowed within a five-hundred foot (500') radius of the intersection of First Street and Monsignor O'Brien Highway to areas outside of that radius. Those three changes are enabled by amendments to the requirements of Section 13.70 adopted by the Planning Board in July, 2012.

Development Controls in the PUD-4A District (Section 13.50)

No changes to the Final Development Plan are proposed that violate the requirements of the PUD-4A District.

(2) The Development Proposal conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located.

The Revised Master Plan remains consistent with the Eastern Cambridge Design Guidelines and the Eastern Cambridge Planning Study.

- (3) The Development Proposal provides benefits to the city that outweigh its adverse effects. In making this determination the Planning Board shall consider the following:
 - (a) The quality of the 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

The site design of the Revised Development Plan is substantially consistent with the previously approved Final Development Plan. A whole new community will be created with a new transit station and retail, office and residential uses distributed among multiple buildings fronting on new public and private streets and parks. The Eastern Cambridge Planning Study (ECaPS) planning process, which resulted in adoption of the zoning that now regulates development in North Point, examined these issues in detail. The very detailed zoning provisions that were adopted as a result of that planning effort were crafted to ensure that these considerations would be adequately addressed in any development shaped by them. The Revised Development Plan conforms to the specific technical requirements of the zoning while also advancing the spirit of that planning effort in the structure and form of the Master Plan's details.

The changes in the site design of the Revised Development Plan include an increase in building height on several parcels in order to allow the provision of a greater amount and variety of open space within the site, and the consolidation of some retail uses into a plaza adjacent to the new Lechmere Station. The Board finds these changes to be improvements to the site design and consistent with the City's planning goals for the area.

October 2, 2012 Page 6 of 8

(b) Traffic flow and safety

The traffic impacts of the Revised Development Plan shall be in substantial conformance with the previously approved Final Development Plan, which sets out a structure for the creation of a self-contained community where residential uses are dominant but where other uses will provide a level of activity and vitality that only a multi-use neighborhood can sustain. While housing is the preferred dominant use in North Point because of its traffic implications (as reflected in the provisions of the new zoning), the originally approved Master Plan accommodated an additional element of commercial development, consistent with the provisions of the Zoning Ordinance, and there is no increase in the amount of commercial development in the revised Master Plan. The Planning Board finds that that additional commercial activity can be accommodated with the implementation of an aggressive array of transportation demand management and traffic mitigation measures and infrastructure improvements as set forth in the original Master Plan.

(c) Adequacy of utilities and other public works

In conformance with the approved Final Development Plan, the Applicant, partly in concert with adjacent property owners, will be responsible for installation of all utility and roadway infrastructure on the site. The Applicant will also be required by the City to make necessary adjustments to public infrastructure off-site in conformance with City standards to ensure that the development can be accommodated without unacceptable negative impacts on the existing utility system.

(d) Impact on existing public facilities within the city

The Planning Board finds no reason to expect that any wider impact on public facilities will be unreasonable or unacceptable.

(e) Potential fiscal impacts

The Revised Development Plan when fully implemented is expected to have a positive fiscal impact.

DETERMINATION

Section 12.35.2 of the Zoning Ordinance requires that the Planning Board make a preliminary determination with regard to a PUD application within twenty-one days of the first public hearing. The Planning Board may approve the Development Proposal, approve the Development Proposal with conditions, or deny the application for a special permit.

October 2, 2012 Page 7 of 8

It is the Planning Board's Determination to **APPROVE** the Planned Unit Development Proposal. In preparing a Final Development Plan, the Board requests modifications to the Development Proposal as described below.

REQUESTS FOR MODIFICATION

1. The Board requests that the Applicant work to address the issues raised by the Cambridge Pedestrian and Bicycle Committees in their letter to the Planning Board dated 9/28/12.

Voting in the affirmative to approve the Development Proposal were Planning Board Members Tom Anninger, H. Theodore Cohen, Hugh Russell, William Tibbs, Steven Winter and Associate Member Ahmed Nur, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board.

For the Planning Board,

Hugh Russell, Chair.

A copy of this Preliminary Determination #179 – Amendment #3 (Major) shall be filed with the Office of the City Clerk.

October 2, 2012 Page 8 of 8