



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

AMENDED DECISION

NOTICE OF DECISION

Minor Amendment #5

Case No.: #12

Premises: Charles Square
(formerly known as Kennedy Square Mixed Use
Development)

Zoning District: Residence C-3/PUD 1

Petitioner: CH & S Limited Partnership (formerly Kennedy
Square Associates, Joint Venture of KSA
Properties, Inc. and Carpenter/Cambridge
Associates)

Date of PUD Planning Board Decision: June 23, 1981

Date of extension of Decision: April 20, 1982

Date of first amendment: April 5, 1983

Date of second amendment: October 4, 1983

Date of third amendment: May 1, 1984

Date of fourth amendment: July 9, 1987

Date of Minor Amendment #5: January 4, 1994

Decision: GRANTED with conditions

Documents Submitted

In a letter, with enclosure, to Michael H. Rosenberg, Cambridge Community Development, from Andrew H. Cohn, Hale & Dorr, attorney for the permittee, dated December 17, 1993, the applicant requests a minor amendment to the Special Permit eliminating the 15,000 square foot limitation on the maximum gross floor area of any retail establishment located within the Charles Square project.

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Discussion

During the regularly scheduled Planning Board meeting of January 4, 1994, the Planning Board heard the above request and comments by the applicant, Richard Friedman, Trustee of the KSA Realty Trust, and Andrew H. Cohn of Hale and Dorr, legal counsel. This presentation outlined the difficulties resulting from the retail size restriction imposed in the permit, the pedestrian traffic pattern which has proved inadequate to support small retailers, and the leasing efforts to date. The Planning Board discussed the original permit and the development of the surrounding retail areas.

There were no questions, statements in support, or in opposition from the public.

Finding

The Planning Board finds that this request is a minor amendment under section 12.37.2 of the zoning ordinance. The amount of gross floor area for retail use in the entire development would not increase, only the allocation of retail floor area to a particular tenant. The owners would be able to market the retail space with greater flexibility in either expanding those uses currently in the building or attracting new tenants.

As a result of changing circumstances and a decade of operational experience, the Planning Board finds that the last two sentences can be deleted from Condition No. 2 appearing on page 7 of the original decision without compromising the basic intent of the original permit and its conditions, as outlined in the above referenced communication from A. Cohn.

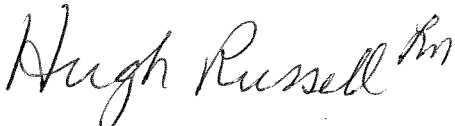
Decision

After reviewing the information provided by the permittee the Planning Board **GRANTS** the Minor Amendment requested so that Condition No. 2 of the permit shall now read as follows:

2. The mix of uses and gross floor area devoted to each shall be substantially as indicated on various maps and pg. 24 of the application. Changes in the gross floor area of such uses in excess of 10% of the figures indicated shall be considered a major amendment under Section 12.37.

Voting to grant the amendment were H. Salemme, A. Callaghan, H. Russell, A. Cohn, and V. Mathias.

For the Planning Board,



Hugh Russell, Acting Chairman