



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

## WRITTEN DETERMINATION MINOR AMENDMENT TO PLANNED UNIT DEVELOPMENT

Case Number:	179 Amendment 11 (Minor)
Location of Premises:	O'Brien Highway at First and East Streets in the North Point District and the MBTA Green Line Lechmere Station at Cambridge Street and O'Brien Highway – 20 Child Street
Zoning:	North Point Residence District / PUD-6 Residence C-2B District / PUD-4A
Applicant:	PRII Twenty20, LLC; DivcoWest Real Estate Investments; JAMI North c/o Sullivan & Worcester LLP
Owners:	PRII Twenty20, LLC 7 Giralda Farms, Madison, NJ 08949
Application Date:	August 25, 2022
Date of Determination:	September 20, 2022
Summary of Proposal:	Minor Amendment to Final Development Plan to amend Condition 12.c (iv) of the decision for amendment 6 (major) to allow daycare use at 20 Child Street.
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 Jennifer Schultz (PRII Twenty20, LLC counsel) and Darren Baird (Divco West Real Estate Investments counsel), dated 8/24/2022, including Coversheet, Ownership Certificate, executive summary, additional explanation, elevation and signage, representative retail lists, and revised statistical summary of the approved master plan (Appendix I).
2. Presentation slides shown to Planning Board on 9/20/2022.

### Other Documents

3. Memo to the Planning Board from Community Development Department (CDD) Staff, dated 9/13/2022.

## **SUMMARY OF REQUEST**

The Permittee seeks a Minor Amendment to Special Permit-179 first issued on March 11, 2003 and subsequently amended on March 6, 2007 (Minor), November 18, 2008 (Minor), November 16, 2012 (Major), February 13, 2015 (Major), July 30, 2015 (Minor), September 2, 2016 (Major), July 11, 2017 (Minor), October 15, 2019 (Minor), March 15, 2022 (Minor), and July 12, 2022 (Minor).

The requested Minor Amendment seeks to modify an existing condition of the special permit in order to authorize Preschool, day care center, kindergarten, not exempt by statute (4.33.b.2 of the Table of Use Regulations) to count towards the retail square footage on Blocks I, N, Q1, R and W.

Per Section 12.37 of the Zoning Ordinance, the Planning Board makes a determination as to whether the proposed change to the approved Final Development Plan may be approved as a minor amendment.

## 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 requested amendment does not alter the fundamental concept of the PUD because childcare uses were included in the list of potential retail uses within the PUD during its initial approval, as well as in approved subsequent amendments. Further, the Board finds that childcare uses can assist in activating the ground plane of buildings and help create a sense of place, akin to retail and consumer service uses. Therefore, the Board finds that the requested amendment constitutes a minor amendment because the requested change will not alter the density, floor area ratio, land usage, height, provision of open space, or the physical relationship of elements within 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-179, subject to the following conditions and limitations:

1. In approving the Minor Amendment, the Board hereby amends Condition 12.c (iv) of Special Permit Decision PB-179 as set forth in Amendment 6 (Major) to read as follows:
  - The retail Gross Floor Area proposed for Blocks I, N, Q1, R and W, constituting the 75,000 square foot as of right quantity of retail use (which may include day care center uses identified in Section 4.33.b.2 of the Ordinance) allowed in Section 13.70, may be eliminated or relocated only after the issuance of a Major Amendment to the permit. It is essential that the at-grade environment at these locations be attractive and lively and inviting to pedestrians from within and without the district.
2. Appendix I, attached to this Determination, summarizes the dimensional characteristics of the PUD as modified by this Minor Amendment.
3. The fit out of the childcare use at Parcel N shall be subject to continuing design review by Community Development Department staff, which shall approve all external modifications, including signage, lighting, window film and shades/blinds, and façade materials, in accordance with the design review procedures of PB-179.
4. Except as explicitly set forth above, the existing Conditions of Special Permit PB-179, as modified by prior Amendments, shall continue to apply.

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

For the Planning Board,

A handwritten signature in cursive script that reads "Catherine Preston Connolly".

Catherine Preston Connolly, Chair.

A copy of this determination approving Amendment 11 (Minor) to Planning Board Special Permit PB-179 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 October 25, 2022 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

**Appendix I: Revised Statistical Summary of the Approved Master Plan**

**I. Project as a Whole**

**A. Three City Summary**

a. Parcel Area	Total Area in Acres (Square Feet):	45.37 acres (1,976,501 square feet)
b. Floor Area	FAR at North Point:	2.66
	FAR at Lechmere	2.5
	Total GFA	5,245,854 square feet
c. Non-Residential	Maximum FAR	1.10
	Approved GFA	2,185,062 square feet for all non-residential uses
	Retail GFA:	300,000 square feet at North Point Amount TBD at Lechmere
d. Residential	Maximum FAR:	1.55
	GFA:	3,060,792 square feet
e. Open Space	Minimum Public, Green Area or Permeable Open Space Provided:	392,000 square feet
	Other/Common Open Space in Square feet:	TBD
f. Parking Spaces	Maximum Permitted:	3,807 spaces +300 replacement MBTA spaces
	Maximum non-residential:	See Special Permit
	Residential:	0.5-1.0 spaces/unit for each building Average of 0.75/unit for the entire project at full build-out
g. Dwelling Units	Proposed Number:	3,177 units



**B. Development in Cambridge**

a. Parcel Area	Total Area in Acres:	38.77 acres
	Square Feet:	1,690,276 square feet
	Area at North Point in Acres:	37.1 acres
	Square Feet:	1,617,534 square feet
	Area at Lechmere in Acres:	1.67 acres
	Square Feet:	72,742 square feet
b. Floor Area	FAR at North Point:	2.54
	FAR at Lechmere:	2.5
	GFA at North Point:	4,102,825 square feet
	GFA at Lechmere:	181,855 square feet
	Total GFA:	4,248,695 square feet
c. Non-Residential	Maximum FAR at North Point:	TBD
	Maximum FAR at Lechmere:	TBD
	Approved GFA at North Point:	1,409,063 square feet
	Approved GFA at Lechmere:	3,988 (Retail Only)
d. Residential	Minimum FAR at North Point:	TBD
	Minimum FAR at Lechmere:	TBD
	Approved GFA at North Point:	2,656,925 square feet
	Approved GFA at Lechmere:	177,867 square feet
e. Open Space	Minimum Public, Green Area or Permeable Open Space Provided at North Point:	323,507 square feet
	at Lechmere:	11,000 square feet
	Other Open Space in Square feet:	TBD
f. Parking Spaces	Maximum non-residential at North Point:	See Special Permit
	at Lechmere:	See Special Permit
	Residential:	TBD 0.5 – 1.0 spaces/unit for each building - Average of 0.75/unit at full build-out for all municipalities
g. Dwelling Units	Proposed Number:	TBD

**C. Development in Somerville**

a. Parcel Area	Total Area in Acres:	5.28 acres
	Square Feet:	229,856 square feet

**D. Development in Boston**

a. Parcel Area	Total Area in Acres:	1.29 acres
	Square Feet:	56,369 square feet

**E. Development in Boston + Somerville**

a. Parcel Area	Total Area in Acres: Square Feet:	6.57 acres 286,225 square feet
b. Floor Area	Total FAR	3.49
	Total GFA	997,159 square feet
c. Non-Residential	Maximum FAR	2.70
	GFA	771,159 square feet
d. Residential	FAR	0.79
	GFA	226,000 square feet
e. Open Space	Minimum Public, Green Area or Permeable Open Space Provided:	TBD
	Other Open Space in Square feet:	TBD
f. Parking Spaces	Maximum permitted:	TBD
g. Dwelling Units	Proposed Number:	TBD

**II. PHASES**

**A. Statistical Summary - Phase 1A**

**1. Overall Dimensional Limits**

a. Parcel Areas	Total Phase 1A in Square Feet:	454,406 square feet
b. Floor Area	Total GFA	2,086,950 square feet
c. Non-Residential	GFA	444,336 square feet
	Retail GFA	TBD
d. Residential	GFA	1,642,614 square feet
e. Open Space	Public, Green Area or Permeable Open Space Provided:	4.12 acres or 179,902 square feet
	Other Open Space in Square feet:	TBD
f. Parking Spaces	Non-residential:	See Special Permit
	Residential:	TBD - Average of 0.75/unit at full build-out for all phases
g. Dwelling Units	Proposed Number:	TBD

**2. Dimensional Limits on Individual Parcels**

Parcel I	a. Total Parcel Area:	100,837 square feet
	b. Total GFA:	406,795 square feet
	c. Use:	Mixed-use
	d. Non-Residential GFA:	TBD
	e. Retail:	Allowed, 25,714 square feet
	f. Residential GFA:	381,081 square feet
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel N (completed prior to this Major Amendment)	a. Total Parcel Area:	49,284 square feet
	b. Total GFA:	394,000 square feet
	c. Use:	Residential
	d. Non-Residential GFA:	8,600 square feet
	e. Retail: <sup>1</sup>	8,600 square feet
	f. Residential GFA:	385,400 square feet
	g. Total Parking Spaces:	184
	h. Associated Public, Green Area or Permeable Open Space:	8,760 square feet
Parcel JK	a. Total Parcel Area:	62,502 square feet
	b. Total GFA:	371,828 square feet
	c. Use:	Mixed-use
	d. Non-Residential GFA:	371,828 square feet
	e. Retail:	Allowed, 15,600 square feet
	f. Residential GFA:	None
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel T (completed prior to this Major Amendment)	a. Total Parcel Area:	38,986 square feet
	b. Total GFA:	242,194 square feet
	c. Use:	Residential
	d. Non-Residential GFA:	None
	e. Retail:	Retail not proposed
	f. Residential GFA:	242,194 square feet
	g. Total Parking Spaces:	151 spaces in garage, 79 spaces at other locations on NorthPoint
	h. Associated Public, Green Area or Permeable Open Space:	13,861 square feet

<sup>1</sup> This includes approximately 3,014 square feet of day care center space, which is an allowed, non-residential institutional use, but shall be treated as retail for purposes of compliance with Special Permit Condition 12.c(iv) of the Final Development Plan Special Permit.

Parcel S (completed prior to this Major Amendment)	a. Total Parcel Area:	30,090 square feet
	b. Total GFA:	112,398 square feet
	c. Use:	Residential
	d. Non-Residential GFA:	None
	e. Retail:	None
	f. Residential GFA:	112,398 square feet
	g. Total Parking Spaces:	51 spaces in garage, 49 spaces at other locations on NorthPoint
	h. Associated Public, Green Area or Permeable Open Space:	11,255 square feet
Parcel L	a. Total Parcel Area:	30,475 square feet
	b. Total GFA:	312,399 square feet
	c. Use:	Residential
	d. Non-Residential GFA:	None
	e. Retail:	Allowed, None
	f. Residential GFA:	312,399 square feet
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel M	a. Total Parcel Area:	30,475 square feet
	b. Total GFA:	212,142 square feet
	c. Use:	Mixed Use
	d. Non-Residential GFA:	3,000 square feet
	e. Retail:	Required, 3,000 square feet
	f. Residential GFA:	209,142 square feet
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel Q1	a. Total Parcel Area:	14,799 square feet
	b. Total GFA:	18,823 square feet
	c. Use:	Commercial
	d. Non-Residential GFA:	18,823 square feet
	e. Retail:	Required, 8,533 square feet
	f. Residential GFA:	None
	g. Total Parking Spaces:	None
	h. Associated Public, Green Area or Permeable Open Space:	TBD

Parcel W	a. Total Parcel Area:	20,743 square feet
	b. Total GFA:	16,371 square feet
	c. Use:	Commercial
	d. Non-Residential GFA:	16,371 square feet
	e. Retail:	Required, 16,371 square feet
	f. Residential GFA:	None
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD

## B. Statistical Summary - Phase 1B

### 1. Overall Dimensional Limits

a. Parcel Areas	Total Phase 1B in Square Feet:	383,237 square feet
b. Floor Area	Total GFA:	1,937,348 square feet
c. Non-Residential	GFA:	1,554,602 square feet
	Retail GFA:	0
d. Residential	GFA:	382,746 square feet
e. Open Space	Minimum Public, Green Area or Permeable Open Space Provided:	3.6 acres or 158,820 square feet
	Other Open Space in Square feet:	TBD
f. Parking Spaces	Maximum non-residential:	See Special Permit
	Residential:	TBD 0.5 – 1.0 spaces/unit for each building - Average of 0.75/unit at full build-out for all phases
g. Dwelling Units	Proposed Number:	TBD

### 2. Dimensional Limits on Individual Parcels – Phase 1B

Parcel C	a. Total Parcel Area:	69,003 square feet
	b. Total GFA:	382,746 square feet
	c. Use:	Mixed-use
	d. Non-Residential GFA:	TBD
	e. Retail:	Allowed, amount TBD
	f. Residential GFA:	TBD
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel EF	a. Total Parcel Area:	87,225 square feet
	b. Total GFA:	419,529 square feet
	c. Use:	Commercial
	d. Non-Residential GFA:	419,529 square feet
	e. Retail:	Allowed, amount TBD
	f. Residential GFA:	None
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD

Parcel G	a. Total Parcel Area:	101,610 square feet
	b. Total GFA:	452,798 square feet
	c. Use:	Commercial
	d. Non-Residential GFA:	452,798 square feet
	e. Retail:	Allowed, None
	f. Residential GFA:	None
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel H	a. Total Parcel Area:	79,430 square feet
	b. Total GFA:	366,321 square feet
	c. Use:	Commercial
	d. Non-Residential GFA:	366,321 square feet
	e. Retail:	Allowed, None
	f. Residential GFA:	None
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel U	a. Total Parcel Area:	45,969 square feet
	b. Total GFA:	315,954 square feet
	c. Use:	Commercial
	d. Non-Residential GFA:	315,954 square feet
	e. Retail:	Retail not proposed
	f. Residential GFA:	None
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD

### C. Statistical Summary - Phase 2

#### 1. Overall Dimensional Limits

a. Parcel Areas	Total Phase 2 in Square Feet:	426,813 square feet
b. Floor Area	Total GFA:	1,221,556 square feet
c. Non-Residential	Maximum GFA:	186,124 square feet
	Retail GFA:	24,1331 square feet
d. Residential	Minimum GFA:	1,035,432 square feet
e. Open Space	Minimum Public, Green Area or Permeable Open Space Provided:	Balance of 11 acres
	Other Open Space in Square feet:	TBD
f. Parking Spaces	Maximum non-residential:	See Special Permit
	Residential:	TBD 0.5 – 1.0 spaces/unit for each building - Average of 0.75/unit at full build-out for all phases
g. Dwelling Units	Proposed Number:	TBD

**2. Dimensional Limits on Individual Parcels – Phase 2**

Parcel A	a. Total Parcel Area:	65,373 square feet
	b. Total GFA:	93,971 square feet
	c. Use:	Residential
	d. Non-Residential GFA:	None
	e. Retail:	Retail not proposed
	f. Residential GFA:	93,971 square feet
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel B	a. Total Parcel Area:	80,325 square feet
	b. Total GFA:	335,251 square feet
	c. Use:	Residential
	d. Non-Residential GFA:	TBD
	e. Retail:	Allowed, amount TBD
	f. Residential GFA:	TBD
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel D	a. Total Parcel Area:	59,838 square feet
	b. Total GFA:	306,491 square feet
	c. Use:	Mixed-use
	d. Non-Residential GFA:	TBD
	e. Retail:	Allowed, amount TBD
	f. Residential GFA:	TBD
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel Q2	a. Total Parcel Area:	114,928 square feet
	b. Total GFA:	163,794 square feet
	c. Use:	Commercial
	d. Non-Residential GFA:	163,794 square feet
	e. Retail:	Required, 1,801 square feet
	f. Residential GFA:	None
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD

Parcel R	a. Total Parcel Area:	46,343 square feet
	b. Total GFA:	140,194 square feet
	c. Use:	Mixed-use
	d. Non-Residential GFA:	TBD
	e. Retail:	Required, 18,342 square feet
	f. Residential GFA:	121,852 square feet
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD
Parcel V	a. Total Parcel Area:	60,006 square feet
	b. Total GFA:	181,855 square feet
	c. Use:	Mixed Use
	d. Non-Residential GFA:	3,988 square feet
	e. Retail:	Required, 3,988 square feet
	f. Residential GFA:	177,867 square feet
	g. Total Parking Spaces:	TBD
	h. Associated Public, Green Area or Permeable Open Space:	TBD