

PETITION FOR APPROVAL OF MINOR AMENDMENT

Date: March 4, 1996

To: Planning Board
City of Cambridge
City Hall Annex
57 Inman Street
Cambridge, MA 02139

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

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

Zoning District: Residence C-3/PUD 1

Existing Special Permit: PUD Planning Board Decision dated June 23, 1981 ("Original Special Permit"), as extended by extension of Decision dated April 20, 1982, as amended by First Amendment dated April 5, 1983, Second Amendment dated October 4, 1984, Third Amendment dated May 1, 1984 and Fourth Amendment dated July 9, 1987; and subject to Minor Amendment #5 dated January 4, 1994 and Minor Amendment #6 dated November 1, 1994.

BACKGROUND:

CH&S Limited Partnership ("Petitioner") hereby petitions the Planning Board for approval of a Minor Amendment to allow net adjustments among the retail, office and hotel component at Charles Square, all as permitted by the Original Special Permit, as amended.

As previously communicated by Petitioner to the Planning Board in prior proceedings for minor amendments, the retail component of Charles Square has had difficulty maintaining a stable retail base given (a) the distance of Charles Square from the center of retail activity in the heart of Harvard Square and (b) the relatively small size of the retail component. Since the opening of Charles Square in 1985 Petitioner has continued to make adaptive changes in light of market conditions, all consistent with the Original Special Permit, as amended.

Petitioner now finds that it is necessary to make certain further minor adjustments in Charles Square set out below:

- Addition of two seasonal enclosures in the central courtyard of

Charles Square, one to be part of the hotel component and the second to be part of the retail component. These enclosures will allow use of part of the outside courtyard area during seasons where, in the absence of a winterized glass structure, no use could be made and are dimensionally necessary for the functionality of the abutting spaces. Each of the enclosures will be approximately 168 square feet. (PLAN #1)

- Completion of second floor of the retail component (which presently has an opening at the mezzanine level). There will be no increase in gross floor area calculations, as required by the City of Cambridge Zoning Ordinance. (PLAN #1)
- Addition of 440 Square feet (presently located in the office component) to the retail component. This space will be initially leased to "River Gems". (PLAN #2)
- Reallocation of three hotel rooms to the retail component for use as part of the pool/health club (which is operated as part of the retail component); these hotel rooms have for all practical purposes been utilized by the health club for a number of years. Petitioner confirms that these hotel rooms have not been easy to rent since they are so close to the pool area and the space is better utilized to service the retail component which includes the health club that services pool operations. (PLAN #2)
- The space in the retail component currently occupied by Talbots and a portion of LePli (which will be relocated to the atrium area) will be transferred to the office component for offices uses permitted by the Special Permit, as amended. Talbot's is not renewing its lease and this space has proven difficult to keep in retail use, given the troubled history of retail activity at Charles Square. This will result in a decrease to the retail area of 5,424 square feet. (PLAN #2)
- Reallocation of the existing pool and exercise area to the retail component. As indicated, the pool has been operated as part of the health club in the retail component. Based on Petitioner's operating experience the greatest activity is from retail (i.e. health and fitness club uses). Accordingly, it is appropriate to have the pool area and exercise area officially made part of the retail component. This will result in an increase of 4,510 square feet to the retail area and a corresponding decrease in the hotel area. (PLAN #4)

SUMMARY OF CHANGES

This minor Amendment #7 will result in the following net changes (on a cumulative basis): the hotel component will decrease by 4,342 square feet (a change of 1.9%) the office component will have an increase of 5,152 square feet (a change of 4.66%) and the retail component will have a net decrease of 474 square feet (a net change of .936%).

The net effect of the above modifications will result in no change in the retail, or hotel component that exceeds the 10% limit established in the Original Special Permit, as amended.

The only new additions to Charles Square are the two modules of 168 square feet each (a total of 336 square feet). Both modules are located in the existing paved courtyard and are responses to design complications that were not originally foreseen. The original gross floor area for the nonresidential portion of Charles Square was 550,000 square feet under the Special Permit. The Planning Board has previously approved minor amendments that updated the original development plan and that increased the gross floor area by 3,258 square feet (bringing the total to 553,258 square feet), an increase of only 0.59%. Even with this new addition the project has a total floor area of 807,123 square feet, well below the 830,000 square feet of total floor area permitted under the Special Permit. The addition of the 336 square feet to the nonresidential portion of Charles Square represents an increase of only 0.06%, i.e., 6/100ths of 1%, a modification within the scope permitted for minor amendments by the Ordinance.

REQUEST FOR DECISION

Accordingly, Petitioner requests that the foregoing changes be approved as a Minor Amendment (Minor Amendment #7).

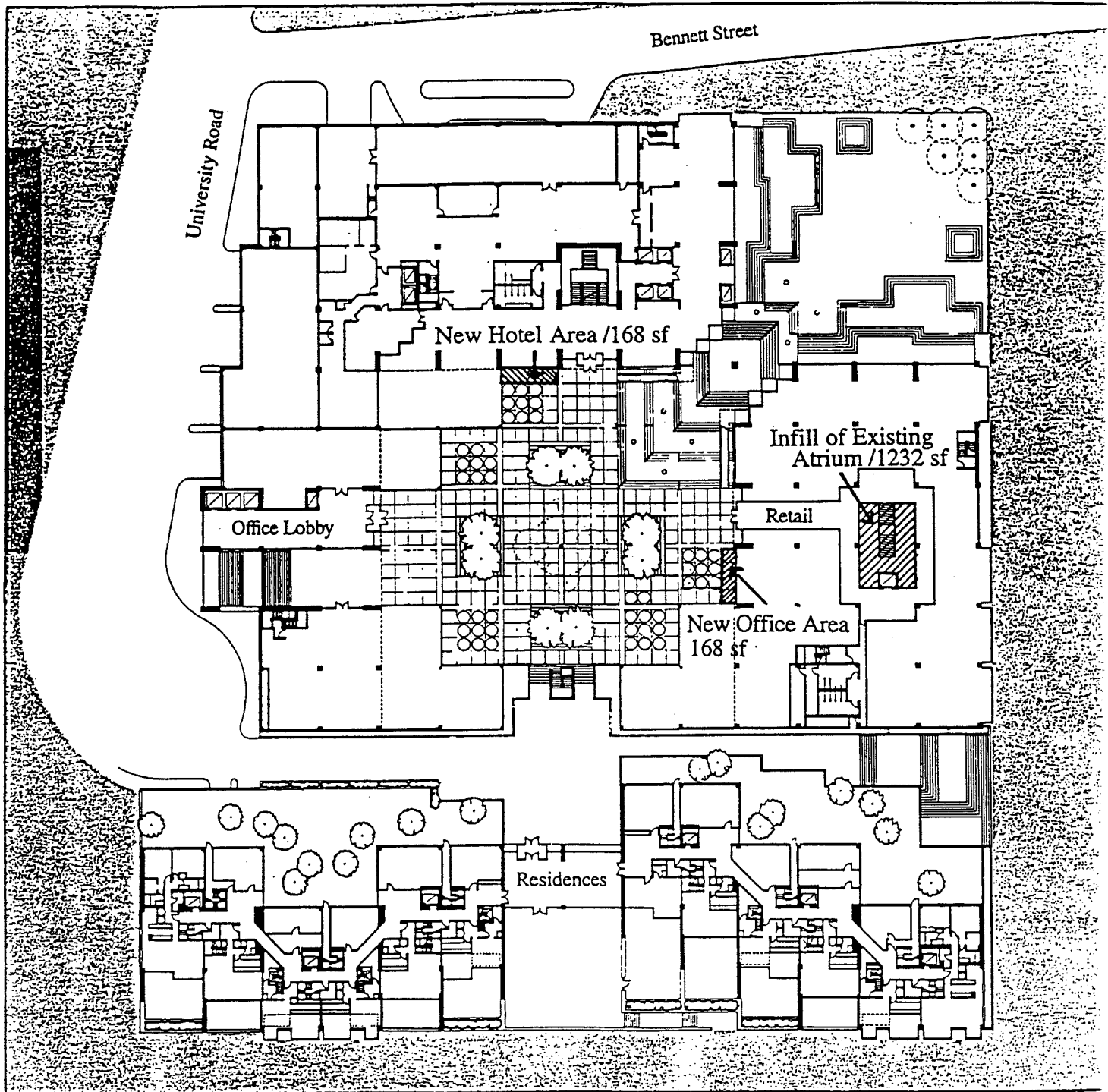
The Planning Board has more than adequate basis for finding that a Minor Amendment to the Original Special Permit is justified under the provisions of Section 12.37.2 of the Zoning Ordinance. The Original Special Permit expressly contemplated that there might need to be adjustments between and among the retail component, the hotel component and the office component. So long as the net changes did not exceed 10% of any component, such changes can be approved as a Minor Amendment. Petitioner has previously bound before the Board (and hereby confirms) that in excess of 40 retail tenants have failed to thrive at Charles Square and have either terminated their leases, gone bankrupt or failed to renew at the expiration of the term. Petitioner has tried a wide variety of configurations, changes of use and other modifications all at substantial cost and expense. The present proposal is consistent with all of the original policy goals in the PUD District and in the Original Special Permit, as amended.

Respectfully submitted,

CH&S Limited Partnership
d/b/a Charles Square

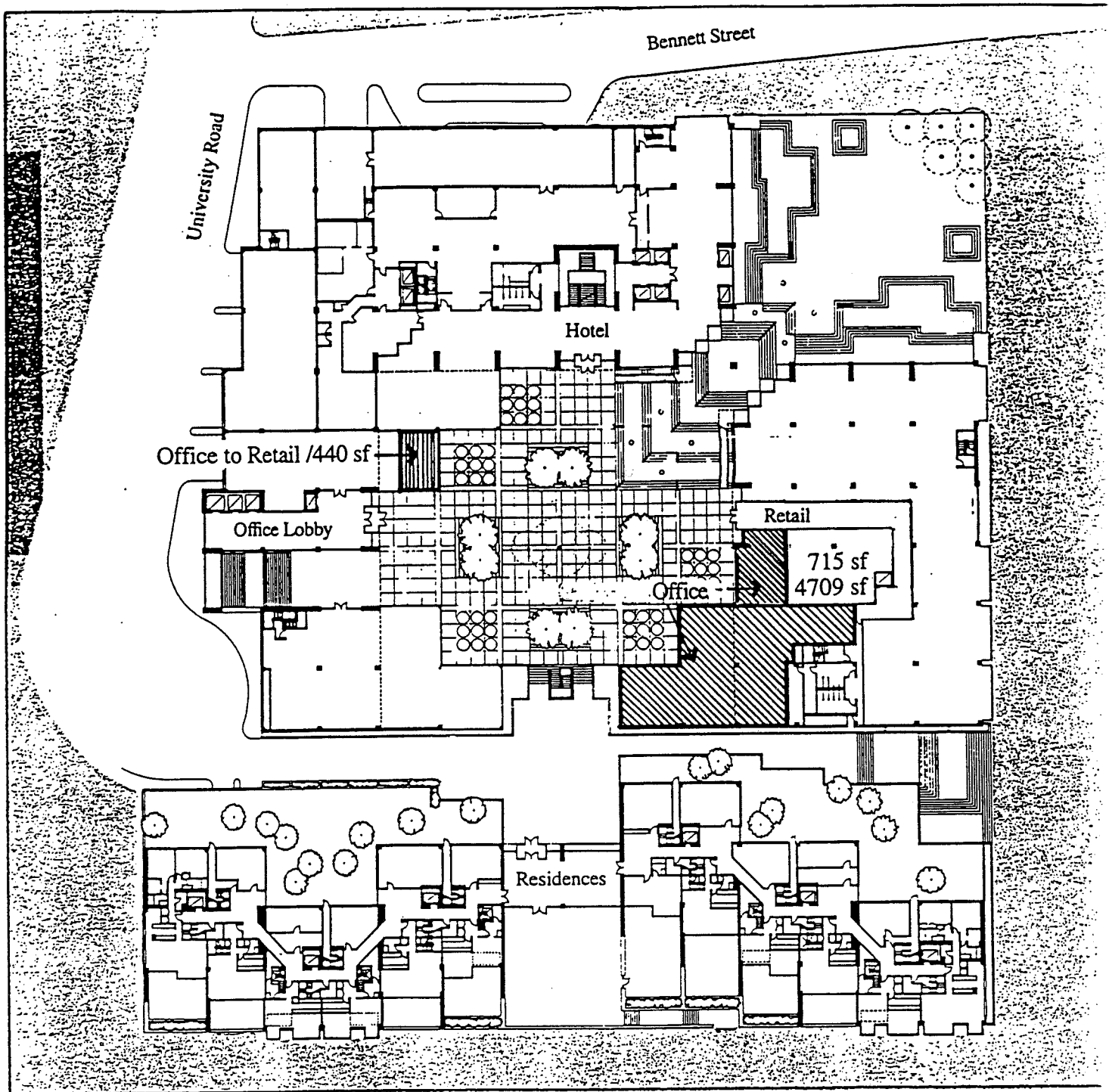
By: 

Hereunto duly authorized



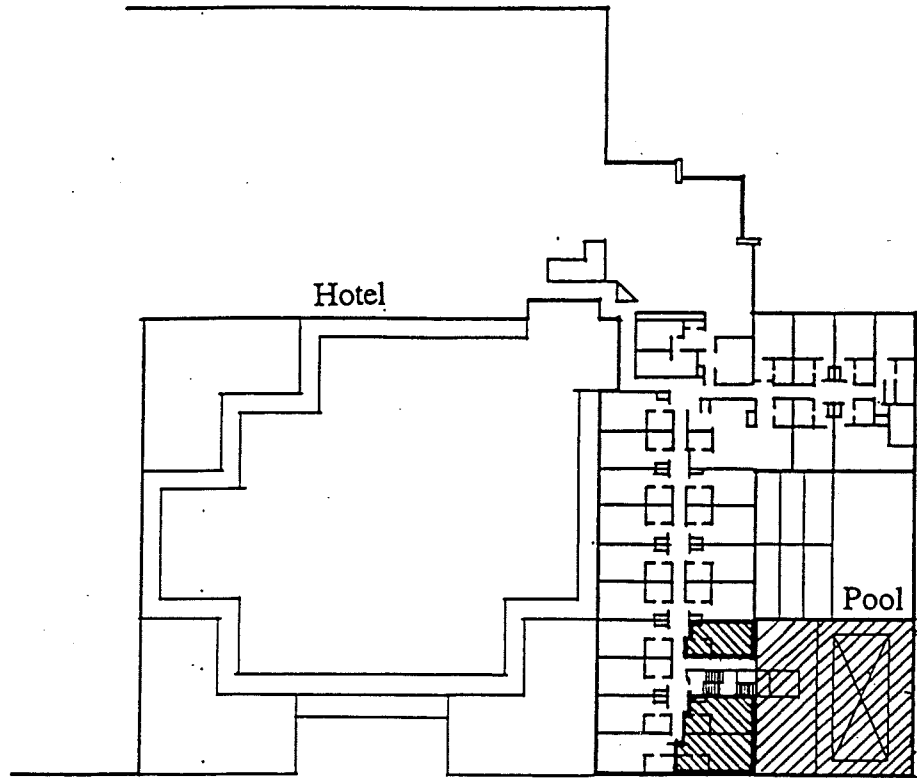
Modifications to Existing Building

Cambridge Seven Associates, Inc. Architects and Planners 1050 Massachusetts Ave Cambridge MA 02138 617 492-7000 Fax 492-7007	Drawing Title		
	<h2>Level 2 Courtyard Plan</h2>		
	Project	Charles Square Area Changes	Job # #9328
	Scale	NTS	Drawn by PK
		Date	16 Feb 96



Reclassification of Space Uses

Cambridge Seven Associates, Inc. Architects and Planners 1050 Massachusetts Ave. Cambridge MA 02138 617 492-7000 Fax 492-7007	Drawing Title	
	<h2>Level 2 Courtyard Plan</h2>	
	Project	Job #
	Charles Square Area Changes	#9328
Scale	Drawn by	Date
NTS	PK	16 Feb 96 r.c.



Hotel to Retail /4510 sf

Level 3 Reclassification of Space Uses

Cambridge Seven Associates, Inc.

Architects and Planners

1050 Massachusetts Ave.
Cambridge, MA 02138

617 492-7000 Fax 492-7007

Drawing Title

Level 3 Pool and Hotel Plan

Project

Charles Square Area Changes

Job #

#9328

Scale

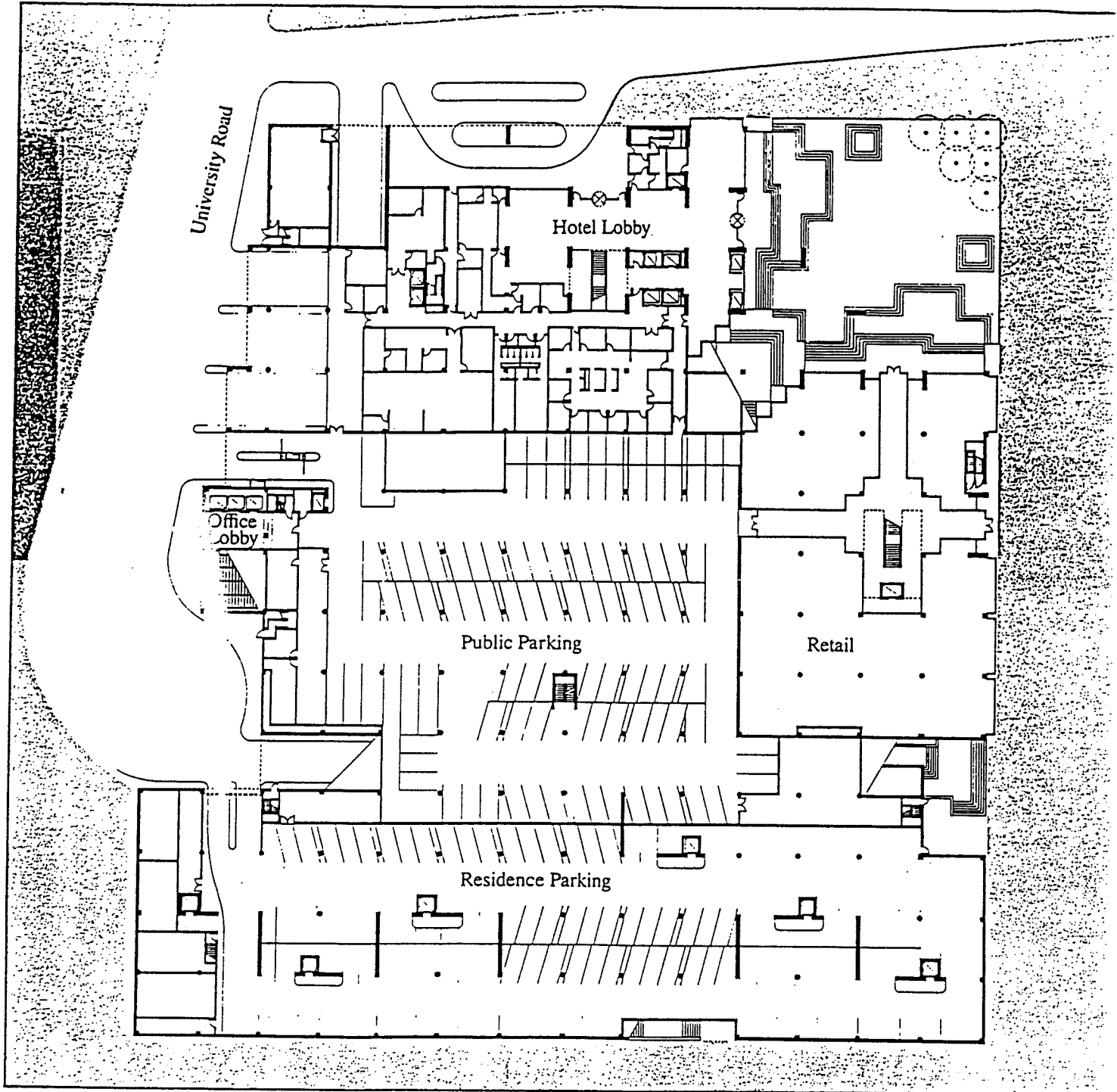
NTS

Drawn by

PK

Date

16 Feb 96



Lower Level Retail for Reference Only

Cambridge Seven Associates, Inc.

Architects and Planners
 1050 Massachusetts Ave.
 Cambridge MA 02138
 617 492-7000 Fax 492-7007

Drawing Title

Level 1 Plaza and Street Level

Project

Charles Square Area Changes

Job #

#9328

Scale

NTS

Drawn by

PK

Date

16 Feb 96