

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2022 MAR 22 PM 12:01
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

WRITTEN DETERMINATION MINOR AMENDMENT TO PLANNED UNIT DEVELOPMENT

Case Number:	141, Amendment 6 (Minor)
Address:	Address
Zoning:	Office 3A / PUD-3 / PUD-CDK
Applicant:	BMR – Third LLC 4570 Executive Drive, San Diego, CA 92121
Owner:	BMR – Third LLC 4570 Executive Drive, San Diego, CA 92121
Application Date:	September 20, 2021
Date of Determination:	January 25, 2022
Summary of Proposal:	Minor Amendment to remove one lot (Parcel C) from the PB-141 Development Parcel while the other completed development sites within the remaining PB-141 Development Parcel remain subject to the approvals and conditions previously granted through PB-141. This is intended to document the relationship between the existing PUD-3 Special Permit (PB-141) and the new PUD-CDK Special Permit (PB-383) in accordance with Section 13.206.1.
Determination:	APPROVED AS MINOR AMENDMENT with conditions.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this decision, please contact Swaathi Joseph at 617-349-4668, or sjoseph@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application submitted on 9/20/2021, titled Volume 3: Minor Modification of PUD-141 and containing Cover Sheet, Ownership Certificate, Fee Schedule, Dimensional Form, and Special Permit Narrative.
2. Presentation slides shown to the Planning Board on 10/19/2021.
3. Presentation slides shown to the Planning Board on 1/25/2022.

City of Cambridge Documents

4. Memo to the Planning Board from Katherine F. Watkins, City Engineer, dated 10/12/2021.
5. Memo to the Planning Board from Community Development Department Staff, dated 10/13/2021.
6. Memo to the Planning Board from Joseph E. Barr, Director of Traffic, Parking and Transportation, dated 10/15/2021.
7. Memo to the Planning Board from Community Development Department (CDD) staff, dated 1/19/2022.
8. Memorandum to the Planning Board from Joseph E. Barr, Director, Traffic, Parking & Transportation Department (TP+T), dated 1/20/2022.

Other Documents

9. Letter to the Planning Board from 585 Arts Advisory Circle, dated 10/14/2021.
10. Letter to the Planning Board from Charles J Marquardt, dated 1/20/2022.
11. Email communication to the Planning Board from Dan Yonah Marshall, dated 1/24/2022.
12. Letter to the Planning Board from C.A. Webb, Kendall Square Association, dated 1/25/2022.
13. Letter to the Planning Board from Todd Bennett, undated.

SUMMARY OF REQUEST

Concurrently with the application for a Planned Unit Development-Canal District Kendall (PUD-CDK) special permit (case PB-383), the Permittee seeks a minor amendment to PB-141, also known as Cambridge Research Park.

PB-141 was originally developed under the provisions of PUD-3 zoning, and authorized development on approximately nine parcels for various laboratory, office, restaurant, retail, multi-family, and cinema/theater uses (see attached dimensional form). PB-141 has been substantially completed with the exception the cinema/theater project, previously and informally known as the Constellation Center within “Parcel C” of the previously approved development plan.

The Permittee has been granted a special permit for the development of Parcel C and an existing Eversource Gas Transfer Station site into a mixed-use building consisting of laboratory and office uses, an arts and cultural center, and ground floor public space, subject to the PUD-CDK zoning provisions adopted in 2022 and Special Permit PB-383. As such, this minor amendment clarifies that any approved development rights and associated conditions granted pursuant to the PB-141 Special Permit for the development of Parcel C be hereby extinguished, with the remaining components of the originally approved PB-141 remaining intact.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following 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 proposed change does not result in a material change to the approved development under Special Permit PB-141 or to the concept of the PUD, except for the “Parcel C” component of the Final Development Plan, which has been superseded by a new Final Development Plan authorized by Special Permit PB-383. The remaining components of the PB-141 Final Development Plan remain unchanged and remain subject to the originally approved Special Permit PB-141 and subsequent amendments. The proposed amendment is intended to clearly delineate the land area and associated development rights approved under PB-141 with those approved under PB-383. The adoption of the PUD-CDK zoning in 2020 explicitly authorized such an amendment, as set forth in Section 13.206.1 of the Zoning Ordinance, copied below:

13.206.1 Relationship to PUD-3. The special permit(s) previously issued pursuant to the provisions of the Planned Unit Development 3 (PUD-3) District shall remain valid and in full force and effect for, and govern with respect to, all remaining land of the PUD-CDK District outside of a Development Parcel that is subject to a special permit issued pursuant to the provisions of the PUD-CDK district.

Upon approving a Final Development Plan pursuant to the provisions of the PUD-CDK District, the Planning Board may concurrently approve modifications to previously issued special permits as Minor Amendments if the Board finds that such modifications are for the purpose of clarifying the applicability of previously issued and newly issued special permits and do not constitute major amendments, as that term is defined by Section 12.37.3, to the previously issued special permit(s).

Therefore, the Board finds that the proposed change may be approved as a Minor Amendment.

DETERMINATION

Based on a review of the documents submitted and the above Findings, the Planning Board hereby approves the requested Minor Amendment, subject to the following conditions and limitations.

1. The Final Development Plan shall be amended to remove the “Parcel C” development site from the Development Parcel, the Aggregate Development Plan, and the Site Development Plan. Development on “Parcel C” shall be governed by the conditions of Special Permit PB-383. The use, dimensional, and other characteristics of other development sites shall remain as previously approved and developed pursuant to Special Permit PB-141. The amended Site Plan, Aggregate Development Program and Site Development Program are attached as Appendix A.
2. Except as specifically modified above, all use, building construction, and site plan development shall be in substantial conformance with the Final Development Plan approved in Planning Board Special Permit PB-141 and the Conditions set forth in Planning Board Special Permit PB-141, as modified by any prior approved Amendments.

Voting in the affirmative to grant the requested Special Permits were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Mary Flynn Hugh Russell, and Associate Member Alan Price, 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 "Catherine Preston Connolly".

Catherine Preston Connolly, Chair

A copy of this determination approving Amendment-6 (Minor) to Planning Board Special Permit PB-141 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 correct copy of the above decision has been filed on March 22, 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

DIMENSIONAL FORM

Project Address: Cambridge Research Park

Application Date: Sept. 3, 2021

	Existing	Allowed or Required (max/min)	Proposed	Permitted
Lot Area (sq ft)	425,320	2 acres	425,320	
Lot Width (ft)	600	N/A	600	
Total Gross Floor Area (sq ft)	1,291,000	1,376,000	1,291,000	
Residential Base	357,530	357,530	357,530	
Non-Residential Base	833,470	918,470	833,470	
Inclusionary Housing Bonus	100,000	100,000	100,000	
Total Floor Area Ratio	~3.24	3.0/3.24 (with inclusionary housing bonus)	~3.01	
Residential Base	N/A	N/A	N/A	
Non-Residential Base	N/A	N/A	N/A	
Inclusionary Housing Bonus	N/A	N/A	N/A	
Total Dwelling Units	479	479	479	
Base Units	439	439	439	
Inclusionary Bonus Units	40	40	40	
Base Lot Area / Unit (sq ft)	N/A	N/A	N/A	
Total Lot Area / Unit (sq ft)	887	300	887	
Building Height(s) (ft)	85-230 feet	120 (with 13.6% up to 200 ft and 4.3% up to 230 feet)	120 (with 13.6% up to 200 ft and 4.3% up to 230 feet)	
Front Yard Setback (ft)	N/A	N/A	N/A	
Side Yard Setback (ft)	N/A	N/A	N/A	
Side Yard Setback (ft)	N/A	N/A	N/A	
Rear Yard Setback (ft)	N/A	N/A	N/A	
Open Space (% of Lot Area)	22.46	22.5%	22.46%	
Private Open Space	N/A	N/A	N/A	
Permeable Open Space	N/A	N/A	N/A	
Other Open Space (Specify)	N/A	N/A	N/A	
Off-Street Parking Spaces	2,238	2,238	2,238	
Long-Term Bicycle Parking	500	500	500	
Short-Term Bicycle Parking	N/A	N/A	N/A	
Loading Bays	14	14	14	

Use space below and/or attached pages for additional notes:

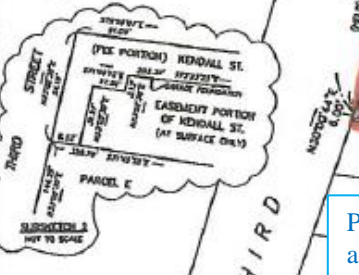
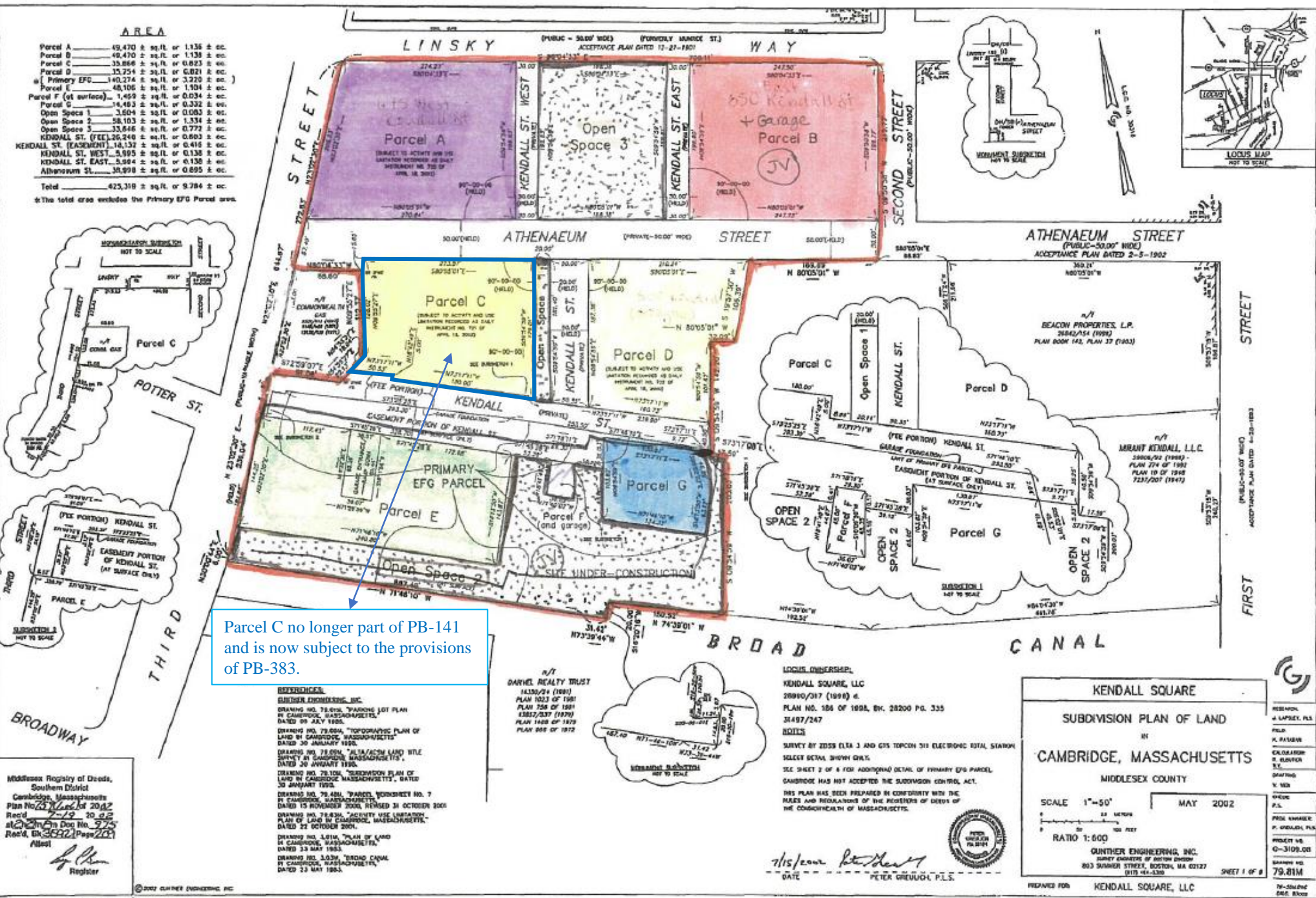
(1) Based on PUD-3 zoning overlay, as affected by Special Permit 141

AREA

Parcel A	69,470 ± sq.ft.	or 1.136 ± ac.
Parcel B	48,470 ± sq.ft.	or 1.136 ± ac.
Parcel C	33,846 ± sq.ft.	or 0.813 ± ac.
Parcel D	35,254 ± sq.ft.	or 0.821 ± ac.
Primary EFG	140,274 ± sq.ft.	or 3.220 ± ac.
Parcel E	48,106 ± sq.ft.	or 1.104 ± ac.
Parcel F (at surface)	1,469 ± sq.ft.	or 0.034 ± ac.
Parcel G	34,463 ± sq.ft.	or 0.332 ± ac.
Open Space 1	3,604 ± sq.ft.	or 0.083 ± ac.
Open Space 2	58,103 ± sq.ft.	or 1.334 ± ac.
Open Space 3	33,846 ± sq.ft.	or 0.772 ± ac.
KENDALL ST. (FEE)	26,240 ± sq.ft.	or 0.603 ± ac.
KENDALL ST. (EASEMENT)	18,132 ± sq.ft.	or 0.416 ± ac.
KENDALL ST. WEST	5,905 ± sq.ft.	or 0.136 ± ac.
KENDALL ST. EAST	5,904 ± sq.ft.	or 0.136 ± ac.
Athenaeum St.	31,998 ± sq.ft.	or 0.895 ± ac.
Total	425,318 ± sq.ft.	or 9.784 ± ac.

± The total area includes the Primary EFG Parcel area.

Parcel C no longer part of PB-141 and is now subject to the provisions of PB-383.



KENDALL SQUARE

SUBDIVISION PLAN OF LAND
IN
CAMBRIDGE, MASSACHUSETTS
MIDDLESEX COUNTY

SCALE 1"=50'
RATIO 1:500
MAY 2002

GUNTHER ENGINEERING, INC.
SWEET CORNER OF RIVER STREET
803 SUMNER STREET, BOSTON, MA 02127
(617) 464-5300

SHEET 1 OF 8
79.81M

REFERENCES:
 SUDNER ENGINEERING, INC.
 DRAWING NO. 78.406, "PARKING LOT PLAN IN CAMBRIDGE, MASSACHUSETTS," DATED 09 JULY 1995.
 DRAWING NO. 78.604, "TOPOGRAPHIC PLAN OF LAND IN CAMBRIDGE, MASSACHUSETTS," DATED 30 JANUARY 1995.
 DRAWING NO. 78.604, "ALTA/ACSM LAND TITLE SURVEY IN CAMBRIDGE, MASSACHUSETTS," DATED 28 JANUARY 1995.
 DRAWING NO. 78.104, "SUBDIVISION PLAN OF LAND IN CAMBRIDGE, MASSACHUSETTS," DATED 20 JANUARY 1995.
 DRAWING NO. 78.481, "PARCEL BOUNDARIES NO. 7 IN CAMBRIDGE, MASSACHUSETTS," DATED 13 NOVEMBER 2001, REVISED 31 OCTOBER 2001.
 DRAWING NO. 78.834, "ACCENT USE LIMITATION PLAN OF LAND IN CAMBRIDGE, MASSACHUSETTS," DATED 21 OCTOBER 2001.
 DRAWING NO. 1.01M, "PLAN OF LAND IN CAMBRIDGE, MASSACHUSETTS," DATED 13 MAY 1985.
 DRAWING NO. 1.03M, "BROAD CANAL IN CAMBRIDGE, MASSACHUSETTS," DATED 23 MAY 1985.

LOCUS OWNERSHIP:
 KENDALL SQUARE, LLC
 28960/317 (1999) &
 PLAN NO. 106 OF 1998, ETC. 28200 PG. 335
 31497/247

NOTES:
 SURVEY BY ZISS ELER 3 AND GIS TOPCON 311 ELECTRONIC TOTAL STATION SELECT DETAIL SHOWN ONLY.
 SEE SHEET 2 OF 8 FOR ADDITIONAL DETAIL OF PRIMARY EFG PARCEL.
 CAMBRIDGE HAS NOT ACCEPTED THE SUBDIVISION CONTROL ACT.
 THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Middlesex Registry of Deeds,
 Southern District
 Cambridge, Massachusetts
 Plan No. 79.81M of 2002
 Rec'd 7-19-02
 at 2:00 PM on Doc No. 975
 Rec'd, Bk 3682 Page 201
 Alford
 Register

759-1