



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DETERMINATION – REVISED w/ clerical corrections

Case Number:	198, Amendment #5 (Minor)
Address:	Acorn Park Drive (Cambridge Discovery Park)
Zoning:	Special District 4
Applicant:	BHX, LLC, Trustee of Acorn Park Holdings Realty Trust c/o Robert A. Schlager, CPM 250 First Avenue, Suite 200 Needham, MA 02494-2805
Owner:	Same as applicant
Application Date:	March 17, 2016
Date of Planning Board Public Hearing:	May 3, 2016
Date of Planning Board Decision:	May 3, 2016
Date of Filing Planning Board Decision:	May 18, 2016
Application:	Minor Amendment to Special Permit PB #198 pursuant to Condition #11 of that special permit decision filed on November 4, 2004 to make minor modifications to the previously-approved footprints of Buildings 400 and 500, and to add an upper-level connection between the buildings at the third through <u>sixth</u> stories.
Decision:	GRANTED AS A MINOR AMENDMENT, with Conditions.

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after filing of the above referenced decision with the City Clerk. Copies of the complete decision and final 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 decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

CAMBRIDGE, MASSACHUSETTS
OFFICE OF THE CITY CLERK

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DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Amendment Application for Cambridge Discovery Park dated 3/17/2016, containing Summary of Requested Approvals, Master Plan Special Permit Criteria for Amendments to Master Plan, Design Review of Buildings 400-500, and Dimensional Forms
2. CDP Combined Building 400/500 Minor Amendment Graphic Submission dated 3/25/16, containing plans, elevations and views for the proposed combined building
3. Pedestrian Wind Assessment dated April 13, 2016 and prepared by Rowan Williams Davies & Irwin Inc.
4. CDP Combined Building 400/500 Minor Amendment Graphic Submission with revised date 5/3/16, containing plans, elevations and views for the proposed combined building

City of Cambridge Documents

5. Memorandum to the Planning Board from CDD staff, dated 4/27/16

APPLICATION SUMMARY

Special Permit PB # 198 permitted a multi-site phased development on a large development area between Acorn Park Drive and Concord Turnpike, known as "Cambridge Discovery Park," in accordance with the Special District 4 zoning requirements. The development was permitted to include up to 819,916 square feet of Gross Floor Area for non-residential development, which was proposed for office use, and 380,059 square feet of Gross Floor Area for structured parking. The final master plan included six commercial office/lab building sites (100, 200, 300, 400, 500 and 600) and two above-ground structured parking garages (A and B). Subsequent amendments to the special permit included: Amendment 1 (minor) to adjust certain elements of the timing and phasing of the project; Amendment 2 (minor) to adjust the footprints of several buildings, separating some (100 & 200) while connecting some others (200 & 300), and to shift the location of the internal connection between Acorn Park Drive and the internal roadway (Discovery Way); Amendment 3 (major) to replace the 120,000 square foot office/research building (600) with an 82,000 square foot hotel, which in turn resulted in the separation of Buildings 500 & 600, which were previously connected; and Amendment 4 (minor), granted at the same time as Amendment 3, to approve adjustments to the footprints of two buildings (400 & 500), and to approve conceptual designs of the remaining buildings and garage (B).

The Applicant is seeking approval for a change in building footprints to allow the upper-level connection of Buildings 400 and 500, as illustrated in the Application Documents, as a Minor Amendment to Special Permit PB #198. The Applicant is also seeking Planning Board review and approval of the design of the combined building encompassing the remaining master plan elements, which is required by the Conditions of Special Permit PB #198. The Planning Board's requested design review will be performed at a later date and will be recorded separately.

The Applicant is also seeking approval to potentially construct Building 400-500 in two phases if the building gets procured by multiple tenants instead of a desired single tenant. The Applicant proposes to construct one of the building elements first, for the initial tenant(s), and to construct the connector and second building element for a later tenant(s). Whether the Building 400 element or the Building 500 element would be built first will depend on tenant demand. Depending on the use(s) of the initial tenant(s), Garage A and the existing surface spaces may provide sufficient parking for an initial phase of construction. In that case, the Applicant would continue to postpone construction of Garage B until the second phase of construction for Building 400-500. The Planning Board will discuss the request to phase the building construction at a later date and will record the decision separately.

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:

Minor Amendment to Special Permit (Section 12.37)

Condition # 11 of Special Permit Decision PB # 198 provides that changes to the permitted development master plan may be authorized by Major Amendment or Minor Amendment. The Planning Board determines whether a change is considered Major or Minor by applying the standards set forth for Planned Unit Developments in Section 12.37 of the Zoning Ordinance.

(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.

(12.37.3) Major amendments represent substantial deviations from the PUD concept approved by the Planning Board. Major amendments shall include, but not be limited to, large changes in floor space, mix of uses, density, lot coverage, height, setbacks, lot sizes, open space; changes in the location of buildings, open space, or parking; or changes in the circulation system.

The Board finds that the proposed modification has no major impact on the Board's previous findings regarding the compliance with the development controls set forth for Special District 4 and do not alter the original concept of the master plan approved under this special permit. The proposed changes to the development master plan are similar to previous building modifications that were approved as Minor Amendments They are not substantial and therefore qualify as a Minor Amendment to the development master plan. A Minor Amendment may be granted by a written determination of the Planning Board and does not require granting a special permit.

DETERMINATION

Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby determines that the proposed modifications to the building footprints constitute a Minor Amendment to Special Permit PB #198 and hereby GRANTS such Minor Amendment subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and amendments, and any successor or successors in interest.

1. Subject to the review and approval set forth in Condition 2 below, all use, building construction, and site plan development shall be in substantial conformance with the Application Documents dated March 17, 2016, plans dated March 25, 2016 and as revised dated May, 3, 2016, and all supplemental documents and information submitted by the Applicant to the Planning Board as referenced above.
2. The design of Buildings 400 and 500, which are proposed to be connected at their upper floors as illustrated in the amended development master plan included in the Application Documents, shall be subject to continuing design review by the Planning Board. The Planning Board shall review and approve the final design of such buildings, as a matter of general business, at a regular Planning Board meeting. The Community Development Department (CDD) shall certify to the Superintendent of Buildings that this Condition and all other applicable Conditions of Special Permit PB #198 continue to be met prior to issuance of a Building Permit.
3. The project shall otherwise remain subject to the Conditions set forth in Special Permit #198 and all prior amendments.

Voting in the affirmative to GRANT the Minor Amendment to Special Permit PB #198 were Planning Board Members Louis Bacci, Jr., Catherine Preston Connolly, H Theodore Cohen, Steven Cohen, Hugh Russell, Mary T. Flynn, and Tom Sieniewicz, constituting at least two thirds of the members of the Board.

For the Planning Board,

H Theodore Cohen (Swaathi Joseph)

H Theodore Cohen, Chair.

A copy of this determination PB #198, Amendment 5 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 correct copy of the above decision filed with the Office of the City Clerk on May 18, 2016, by Swaathi Joseph, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision. No appeal has been filed.

DATE:

City Clerk of Cambridge