



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: March 3, 2020

Re: PB #303, MIT SoMa PUD Minor Amendment 3

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Background

The Massachusetts Institute of Technology (MIT) South of Main ("SoMa") Planned Unit Development (PUD) is an approved 1+ million square foot development project planned to include a combination of commercial office/laboratory, dormitory and academic buildings, with ground-floor retail and active uses, a below-grade accessory parking garage, new publicly accessible open space, and associated public improvements. The Final Development Plan was first approved by the Planning Board in 2016, and since that time has been modified twice through the PUD amendment process.

MIT is currently seeking Minor Amendment approval to modify a traffic mitigation item included in the special permit conditions, which is the result of subsequent changes to the City's planning for improvements to the intersection of Main Street, Vassar Street, and Galileo Galilei Way. The specific requested amendment is provided below. No changes to the approved GFA or uses of this development are proposed.

Table with 3 columns: Condition No., Current Requirement, Proposed Modification. Row 1: 5.a. (Appendix B): "Main Street/Vassar Street/Galileo Way Signals", Update traffic signal equipment by installing replacement equipment (i.e. controller conduit, mast arms, signal heads) and adjust signal timing changes, if necessary. Does not include changes to existing roadway configurations. Approximately \$150,000 estimated. Redesign and reconstruction of this intersection is in the item below., The Applicant will contribute \$250,000 (the "Signal Contribution") for the City to construct the Signal Upgrade in coordination with the construction of other roadway improvements that may be pursued by the City. Such a contribution will be delivered in accordance with and subject to the terms of any applicable "Escrow Agreement" that is entered into by and between the Applicant and the City.

Detailed comments on the substance of the amendment are provided in an accompanying memo from the Traffic, Parking, and Transportation Department (TP&T).

If the Board determines that the change constitutes a Minor Amendment, then the Board may approve the amendment on the affirmative vote of five Planning Board members. The following page provides detailed information about the PUD Amendment Procedure.

## **PUD Amendments**

An Amendment to an approved PUD can be found to be either a Major Amendment or a Minor Amendment. Per the general PUD provisions in Section 12.37 of the Zoning Ordinance, the Planning Board must determine whether changes to the Final Development Plan may be approved as a Minor Amendments. The following guidance is provided in zoning:

*[Section 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 following condition of the Special Permit Decision (PB-303) provides some additional guidance to determine what changes would constitute Major or Minor Amendments and procedures for granting them:

15. *Procedures for Granting Minor and Major Amendments to this Decision.*
  - a. *Determination. Except where a change is explicitly authorized as a Minor Amendment in this Decision, the Planning Board shall determine whether a proposed change is considered a Major Amendment or Minor Amendment pursuant to Section 12.37.*
  - b. *Minor Amendments. A Minor Amendment to this Decision shall be approved by an affirmative vote of at least five (5) members of the Planning Board after consideration of the proposed change, as enumerated on the Agenda, at an appropriately noticed meeting of the Planning Board. In approving a Minor Amendment, the Board shall issue a written determination that:*
    - i. *The change does not violate applicable Sections of the Zoning Ordinance, or if the change requires relief pursuant to a special permit or variance, such relief has been granted.*
    - ii. *The change will not substantially alter the Findings upon which this Decision is based.*
  - c. *Major Amendments. Notwithstanding the provisions of Article 12.000, any Major Amendment shall only be granted after an affirmative vote of at least five (5) members of the Planning Board and only after the proposed change has been advertised as a new Special Permit subject to the procedural requirements of Section 10.40. The Planning Board shall consider the substance of the change as presented in the amendment application documents and shall not be reviewing this Decision in its entirety. Upon granting a Major Amendment, the Board shall issue written Findings that the amended portions of the Final Development Plan remain in conformance with all special permit criteria applicable to the PUD. However, if the Board finds that a requested Major Amendment to this Decision constitutes a substantial alteration to the intent, purpose and substance of this Decision, such Major Amendment shall be considered under the procedures established in Article 12.000 as if it were a new Planned Unit Development Special Permit after the submission of all required application materials.*

- d. Conditions. Upon issuing any Amendment, the Planning Board may impose additional conditions intended to ensure conformance with the intent, purpose and substance of this Decision as well as any applicable requirements, standards or criteria set forth in applicable Sections of the Zoning Ordinance.*

### **Comments**

The proposed amendment relates to transportation impact mitigation, which is part of determining whether a project conforms to the transportation impact criteria in Section 19.20 of the Zoning Ordinance. Modifying such a condition would not affect any other sections of the Zoning Ordinance.

Because the proposal suggests an alternate compliance path for one of the conditions of the special permit, it would not appear to substantively alter the transportation impact findings previously made by the Planning Board under Section 19.20; however, comments from TP&T should be reviewed prior to making that determination.

If the Board approves this request as a Minor Amendment, the only suggested clarification is that the amended condition would be contingent upon the City's acceptance of the terms of the "Escrow Agreement" that is cited, which has not yet been executed.