



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: March 5, 2024

Re: **PB-364, Cambridgeside PUD Amendment 3 (Minor)**

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Background

The Special Permit for the CambridgeSide Planned Unit Development (PB-364) was granted by the Planning Board on December 22, 2020. This plan involves retaining the core part of the mall building and constructing four new buildings around its perimeter, attached to the mall and fronting First Street, Cambridgeside Place, and Land Boulevard. It also involves improvements to Lechmere Canal Park and the creation of new open spaces along First Street. In 2022, the Board approved 2 amendments (minor) to the Final Development Plan, one to relocate the new residential building to the corner of First Street and Cambridgeside Place and the other to convert the third floor of the existing mall building from general office use to technical office/lab use.

The approved Final Development Plan authorizes development in two phases:

1. The "Initial Phase" buildings are 20 Cambridgeside Place and 60 First Street, containing all office/laboratory development, and the improvements to Lechmere Canal Park. The Planning Board granted design review approval for the buildings in 2021, and they are currently under construction. The Lechmere Canal Park improvements were approved in 2022 and are planned for construction in Spring 2024.
2. The "Subsequent Phase" buildings are 80 First Street and 150 Cambridgeside Place, which include office/laboratory development along with mixed-income housing. The Planning Board granted design review approval for these buildings in 2022.

Condition #4 of the Special Permit requires the Applicant to obtain a Building Permit within two years of Design Review approval for each building. Design Review Certificates for both Subsequent Phase buildings were issued on March 8, 2022.

Requested Amendment

New England Development is currently seeking a Minor Amendment to extend the maximum allowed period of time from Design Review approval to the issuance of a Building Permit from two years to four years and to update the Phasing Timeline included in Appendix A of the Special Permit to allow for a two-year extension of the commencement and completion dates established for the Subsequent Phase buildings.

Criteria for Granting Minor Amendments

Per the general PUD provisions in Section 12.37 of the Zoning Ordinance, the Planning Board determines whether changes to the Final Development Plan may be approved as minor amendments. The following guidance is provided in zoning:

(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.

Condition 5 of Special Permit PB-364 (Timing and Phasing) also provides the following guidance:

Modifications to the Phasing Plan or to this Condition #5 may be approved by the Planning Board as Minor Amendments pursuant to Condition #15 of this Decision, provided that all other Conditions of this Decision and requirements of the CZO continue to be met, in particular the requirements of Section 13.104.1(d) of the CZO.

If the Board determines that the changes are minor, then the Board may approve the minor amendment on the affirmative vote of five Planning Board members.

Zoning Comments on Proposed Amendment

The reason for the 2-year period from design review to building permit is to encourage construction to proceed as expeditiously as possible from schematic drawings to construction drawings. If the period is too long, then the design review approval tends to become out-of-date with current design practices or applicable design standards such as building codes. The 2-year period was chosen because for a normal Project Review Special Permit, the special permit would expire two years after issuance. However, it is reasonable for the Planning Board to grant extensions to the 2-year expiration for a variety of reasons. The important thing is that the construction drawings, when they are finally submitted for building permit approval, remain consistent with the Planning Board's design review approval. If not, then any changes would need to come back to the Planning Board for approval.

The proposed amendment would not change the design or program of the Subsequent Phase buildings and would not change the requirement that the residential building be developed first. Economic conditions have resulted in an overall slowdown in new construction activity, and new building codes may impact design and construction choices. Staff does not have any concern about extending the time for construction on approved designs for an additional two years, with the caveat that if any significant changes to the design are proposed, the Applicant will need to return to the Planning Board to approve the design changes.

Conditions

If the request is approved as a Minor Amendment, it will extend the validity of the Design Review Certificates previously issued for 80 First St and 150 Cambridgeside Place an additional two years, until March 8, 2026. To clarify the procedure for granting an extension, we recommend amending the wording of Condition #4 to read as follows:

In granting a Project Review Special Permit under Section 19.20 for the Final Development Plan, the Planning Board hereby approves buildings as presented in conceptual form, subject to later design review by the Planning Board. The Planning Board shall review and approve the specific design of each building contained within the approved Final Development Plan, including any Open Space and landscape elements associated with that building, at a regular Board meeting at which the design has been placed on the agenda, within two (2) years prior to issuance of a Building Permit for that building. The Permittee may also submit interim materials for review and comment by the Planning Board prior to seeking final design approval. The Planning Board may grant an extension of the Design Review approval period by increments of up to two (2) years as a general business item at a regularly scheduled Board meeting.

Additionally, the Phasing Timeline in Appendix A will need to be updated to reflect the delayed commencement and completion of the Subsequent Phase.