



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

WRITTEN DETERMINATION MINOR AMENDMENT TO PLANNED UNIT DEVELOPMENT

Case Number:	368 Amendment 3 (Minor)
Location of Premises:	Volpe Exchange Parcel – 55 Broadway (33 Broadway, 2 Potter Street, 20 Potter Street, 156 Linskey Way, 220 Binney Street, 60 Sixth Street, 182 Binney Street)
Zoning:	Business A (BA); Residence C-2B (C-2B); Office 2 (O-2); PUD-KS; PUD-7
Applicant:	Massachusetts Institute of Technology (MIT) c/o MITIMCo, One Broadway, Suite 09-200, Cambridge, MA 02142
Owners:	United States of America 10 Causeway Street, Boston, MA 02030
Application Date:	December 9, 2022
Date of Determination:	September 12, 2023
Summary of Proposal:	Modification of the Innovation Space requirement to remove maximum unit requirements; extend the maximum lease term; increase allowable occupancy area per single business entity; and reduce requirements for shared resources among tenants.
Determination:	APPROVED AS MINOR AMENDMENT.

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Copies of this Written Determination and 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 Written Determination, please contact Swaathi Joseph at 617-349-4668, or sjoseph@cambridgema.gov.

DOCUMENTS SUBMITTED

Documents Submitted by Permittee

1. Request for Minor Amendment to PUD Development Plan from John McQuaid, MIT Investment Management Company (MITIMCo) dated 08/11/2023.
2. Presentation slides shown to Planning Board on 9/12/2023.

Other Documents

3. Memo to the Planning Board from Community Development Department (CDD) Staff, dated 9/6/2023.

SUMMARY OF REQUEST

The Applicant seeks to modify the Innovation Space Requirements as set forth in Section 13.96.3 of the PUD-7 District zoning. Specifically, the Applicant requests the following modifications:

a. Overall Innovation Space Requirement modifications-

- Remove the minimum area requirement of each unit of Innovation Space to be at least 20,000 square feet when the Innovation Space is required to be distributed in more than one building if the Innovation Space provided is more than 40,000 square feet (Section 13.96.3.a.2).

b. Characteristics of Innovation Space modifications-

- Extend the lease agreement duration (or other similar occupancy agreements) with individual businesses from approximately one month to up to five years in lieu of the current maximum term length of one month lease (Section 13.96.3.b.1).
- Increase the occupancy space of a single business entity to up to 35,000 square feet from the existing 2,000 square feet or ten percent of the entire Innovation space required to be provided in PUD-7, whichever is greater (Section 13.96.3.b.2).
- Remove minimum area required by tenants of Innovation Space to use shared resources (i.e., co-working areas, conference space, office equipment, supplies and kitchens) and provide shared resources that amount to 10 percent of the Innovation Space in each building (Section 13.96.3.b.3).

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.

Per the PUD -7 District provisions in Section 13.96.3 of the Zoning Ordinance the Planning Board may allow variations in the Innovative Space requirement. The following guidance is provided in zoning:

13.96.3 Innovation Space Variations. In approving a Final Development Plan or a Minor Amendment to a Final Development Plan, the Planning Board may allow variations in the specific standards and characteristics set forth in this Section 13.96.3, if the Planning Board finds that the Innovation Space, as proposed, will be consistent with the purposes of these standards and characteristics.

The Planning Board finds that the proposed change in the Innovation Space requirements and characteristics constitutes a minor amendment, as set forth in Condition 2.b.iii, Condition 10, and Condition 18 of the special permit. The proposed change is consistent with the standards for a Minor Amendment and do not result in any changes to the concept of the PUD in terms of dimensional requirements or overall development and mix of uses. The proposed change also does not violate any applicable Sections of the Cambridge Zoning Ordinance and does not require any additional zoning relief.

The Planning Board finds that the proposed changes help to fulfill the original goals of the PUD's Innovation Space requirement by targeting companies that have matured from seed-stage start-ups and require slightly larger spaces and longer lease terms in order to continue

to grow and thrive within Cambridge. The Board finds that Innovation Space as was previously defined in the PUD-7 zoning has been provided in several other developments in the Kendall Square area, and the proposed modifications will help to address a growing market need and niche.

DETERMINATION

Based on a review of the documents submitted and the above Findings, the Planning Board hereby approves the requested changes as a Minor Amendment to the Planned Unit Development (PUD) Final Development Plan authorized by Planning Board Special Permit Decision PB-368, subject to the following conditions and limitations:

1. In approving the Minor Amendment, the Board hereby makes the following modifications to the Conditions of Special Permit Decision PB-368 as they relate to Innovation Space:
 - Condition #10: Up to 167,326 square feet of Innovation Space shall be provided as described in the Final Development Plan and in accordance with the requirements of Section 13.96.3 of the CZO, except as modified below by Amendment #3 to this Decision:
 - 10.a. Section 13.96.3(a)(2) shall not apply.
 - 10.b. The maximum lease duration as set forth in Section 13.96.3(b)(1) shall be modified to permit lease agreements or similar occupancy agreements from one month up to five (5) years.
 - 10.c. The maximum area that may be occupied by a single business entity as set forth in Section 13.96.3.(b)(2) shall be increased to 35,000 square feet or 10% of the entire Innovation Space in PUD-7, whichever is greater.
 - 10.d. Required shared resources as set forth in Section 13.96.3(b)(3) shall be modified to equal 10% of the Innovation Space in the building.

Innovation Space may be included within existing or new development and may be provided within the PUD-7 District or other Zoning and/or PUD Districts situated within one and one-half (1.50) miles from the PUD-7 District. Because the Final Development Plan does not identify the locations of Innovation Space, the proposed locations of Innovation Space shall be provided to the Planning Board prior to the issuance of a Building Permit for any nonresidential Building Site to demonstrate compliance with Section 13.96.3 of the CZO. Subsequent changes to the proposed locations of Innovation Space may be approved as Minor Amendments as set forth in Condition #18 of this Decision.

2. Except as explicitly set forth above, the Conditions of Special Permit Decision PB-368 shall continue to be in effect.

Voting in the affirmative to APPROVE the Minor Amendment were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Ashley Tan, Diego Macias, Adam B. Westbrook, and Mary Flynn.

For the Planning Board,

A handwritten signature in cursive script that reads "Mary Flynn".

Mary Flynn, Chair.

A copy of this determination approving Amendment 3 (Minor) to Planning Board Special Permit PB-368 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 accurate copy of the above determination has been filed on October 24, 2023, with the Office of the City Clerk by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the determination 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