

CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2021 FEB 24 PM 3:15  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## WRITTEN DETERMINATION MINOR AMENDMENT TO PLANNED UNIT DEVELOPMENT

Case Number:	66, Amendment 22 (Minor)
Address:	100 Cambridgeside Place, 60-68 and 106-108 First Street
Zoning:	Business A (BA), PUD-4 Overlay District, PUD-8 Overlay District
Applicant:	New England Development 75 Park Plaza, Boston, MA 02116
Owner:	NW Cambridge Property Owner LLC (60-68 First Street) 575 Fifth Avenue, New York, NY 10017  Cambridgeside Galleria Associates Trust u/d/t dated April 1, 1985 (100 Cambridgeside Place) 75 Park Plaza, Boston, MA 02116  CambridgeSide Partners LLC (106-108 First Street) 75 Park Plaza, Boston, MA 02116
Application Date:	August 13, 2020
Date of Determination:	December 22, 2020
Summary of Proposal:	Minor Amendment to document the relationship between the existing PUD-4 Special Permit (PB-66) and the new PUD-8 Special Permit (PB-364) in accordance with Section 13.102.9.
Determination:	<b>APPROVED AS MINOR AMENDMENT.</b>

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](mailto:sjoseph@cambridgema.gov).

## **DOCUMENTS SUBMITTED**

### Application Documents and Supporting Material

1. Minor Amendment to PUD-4 Special Permit application dated August 2020 including: Request Letter; Ownership Certificate; Dimensional Form; and Narrative.
2. Presentation given to the Planning Board on 10/6/2020
3. Minor Amendment: Supplemental Narrative dated November 2020 including: Request; Background; and Responses to Requests for Additional Information.
4. Revised Supplemental Narrative received on 12/17/2020, including additional Responses to Requests for Additional Information.
5. Supplemental Narrative received on 12/21/2020, providing additional clarification for Responses to Requests for Additional Information (attached).
6. Presentation given to the Planning Board on 12/22/2020.

### City of Cambridge Documents

7. Memorandum to the Planning Board from Katherine F. Watkins, City Engineer, Department of Public Works (DPW), dated 9/24/2020.
8. Memorandum to the Planning Board from Joseph E. Barr, Director, Traffic, Parking & Transportation Department (TP+T), dated 9/25/2020.
9. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 9/28/2020.
10. Memorandum to the Planning Board from Katherine F. Watkins, City Engineer, Department of Public Works (DPW), dated 12/17/2020.
11. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 12/17/2020.
12. Memorandum to the Planning Board from Joseph E. Barr, Director, Traffic, Parking & Transportation Department (TP+T), dated 12/21/2020.

## **SUMMARY OF REQUEST**

The Permittee seeks a Minor Amendment to Special Permit-66 first issued in 1987 and subsequent twenty-one (21) amendments, including six (6) major amendments, for adjustments in the use mix and overall development plan. The development authorized by PB-66 and subsequent amendments included the creation of the CambridgeSide retail mall (formerly known as Galleria at Riverside Place and CambridgeSide Galleria), an office building to the south (which is now attached to the One Charles Park building, which was separately permitted as PB-65), and a residential building to the east (later amended to a hotel use and now the Hotel Marlowe). The development contains a mix of uses, but is dominated by retail activities in two floors of the mall building, with the hotel and offices being secondary uses.

A new PUD-8 Special Permit (PB-364) has been granted pursuant to Section 13.100 of the Zoning Ordinance to redevelop and expand the existing retail mall site into a mixed-use center including residential, retail, office and laboratory buildings, in addition to maintaining the existing core mall and below grade garage.

The requested Minor Amendment would document the relationship between the existing PUD-4 Special Permit (PB-66) and the new PUD-8 Special Permit (PB-364) by excluding all development authorized by PB-364 from the previously approved conditions of PB-66, to be replaced by the conditions of PB-364. The remaining development authorized by PB-66, which includes 152,877 square feet of hotel uses on Land Boulevard and 115,675 square feet of office uses south of CambridgeSide Place (illustrated in the attached Supplemental Figure 1), will remain unchanged and subject to the conditions of PB-66.

## 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 Application Documents (see Supplemental Narrative attached to this Special Permit) specify which portions of the development previously authorized by PB-66 are proposed to be subject to PB-364, including the existing retail and office uses in the mall building, the below-grade parking garage, and off-street loading facilities. Section 13.100 of the Zoning Ordinance, adopted in 2019, anticipates such a change to the development plan and provides that a new PUD special permit granted for development in the PUD-8 District would supersede a PUD special permit previously granted for development in the PUD-4 District. No dimensional or use changes to the remaining development governed by PB-66 are proposed, and such remaining development will remain governed by PB-66 as it has been previously amended. Therefore, based on the information presented, the Board finds that the request meets the criteria for approval 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 Approved Total Area of Use table in Amendment 21 shall be replaced with the table in the attached Supplemental Narrative (Paragraph 1.a.) to reflect the amount and uses of Gross Floor Area (GFA) that will remain governed by the previously granted Special Permit PB-66 and the amount and uses of Gross Floor Area that is governed by the new Special Permit PB-364. In summary, the existing GFA governed by PB-66 shall include approximately 152,877 square feet of hotel uses on Land Boulevard and 115,675 square feet of office uses south of CambridgeSide Place, as illustrated in the attached Supplemental Figure 1. All other development previously governed by Special Permit PB-66 shall be governed by Special Permit PB-364.
2. In accordance with Paragraph 3.a.vii. of the attached Supplemental Narrative, this Minor Amendment shall permit the required off-street parking and loading facilities in the remaining development governed by Special Permit PB-66 to be provided within parking and loading facilities governed by Special Permit PB-364, pursuant to the conditions of Special Permit PB-364.
3. Except as set forth above, the Conditions of Special Permit PB-66, as modified by prior amendments, shall be applicable to all remaining development governed by Special Permit PB-66.

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

For the Planning Board,

A handwritten signature in black ink, appearing to read "Catherine Preston Connolly", written over a horizontal line.

Representative to the Planning Board, authorized by Catherine Preston Connolly, Chair.

A copy of this determination approving Amendment #22 (Minor) to Planning Board Special Permit #66 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 decision has been filed on February 24, 2021, 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

**PB #66**

**Minor Amendment Request**

**Supplemental Narrative**



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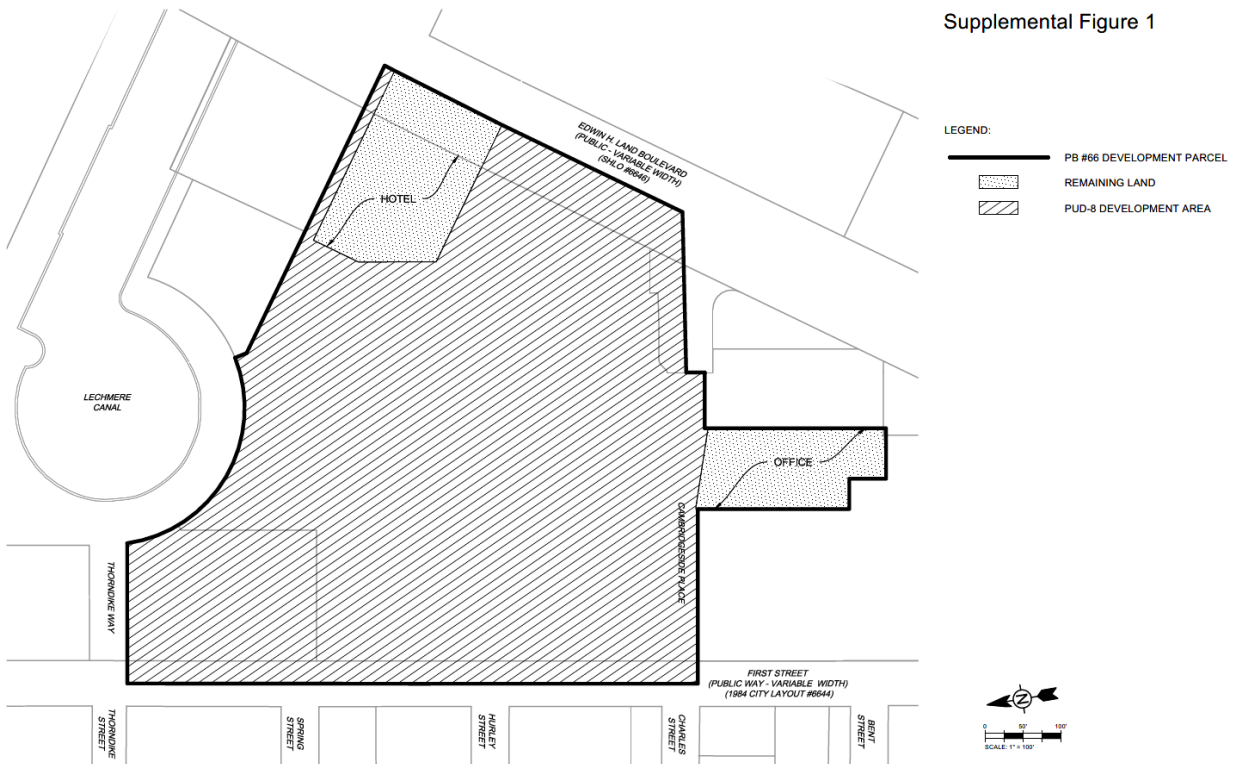
## I. Minor Amendment Request

The Applicant respectfully requests that the Planning Board grant a Minor Amendment to the existing PUD-4 Special Permit (PB #66), pursuant to Section 12.37.2 of the Ordinance, to document the relationship between the existing PUD-4 Special Permit and the new PUD-8 Special Permit (PB #364) in accordance with Section 13.102.9 of the Ordinance. The Applicant has prepared this narrative as a supplement to the Applicant's August 2020 submission, with the intention of further detailing the proposed terms of the requested Minor Amendment in response to comments provided in the Preliminary Determination for the CambridgeSide 2.0 Project (PB #364).

## II. Background

Pursuant to the terms of the new PUD-8 Special Permit (PB #364), the Applicant proposes to redevelop a portion of the site previously developed under the existing PUD-4 Special Permit (PB #66). In order to accommodate the proposed CambridgeSide 2.0 Project (PB #364), PB #66 must be amended to identify the relationship between the two special permits as they both relate to portions of the same site.

Supplemental Figure 1 below shows the following: (i) the limits of the PB #66 Development Parcel, outlined in a bold black line; (ii) the Hotel Marlowe and a portion of the Lotus Office Building (the "**Remaining Land**"), identified as the dotted area; and (iii) the "**PUD-8 Development Area**", which includes the existing below- and above-grade parking garages, identified as the striped area. The Applicant proposes (i) that the PUD-8 Development Area be subject to the provisions of PB #364, as detailed in Section 3 below, and (ii) that the Remaining Land continue to be subject to the terms of PB #66. For the avoidance of doubt, Supplemental Figure 1 below replaces Figure 1 from the Applicant's August 2020 submission.



III. Responses to Requests for Additional Information regarding the Minor Amendment to PB #66 as a result of the proposed CambridgeSide 2.0 Project (PB #364)

Each request for additional information included within the Planning Board's Preliminary Determination and associated City staff memoranda, as summarized in the Preliminary Determination Decision, is addressed below.

1. **Clarify whether any changes are proposed to the Approved Total Area of Use table in Amendment 21. This table has to be updated to reflect how much gross floor area of each category will remain subject to PB-66 and what will be controlled by PB-364.**

- a. The Applicant proposes that the chart below replace the Approved Total Area of Use table provided in PB #66 Major Amendment #6 (also referred to as Amendment 21 (Major)) in order to reflect the reallocation of sf governed by PB #66 as a result of the CambridgeSide 2.0 Project (PB #364).

<b>Use Category<sup>1</sup></b>	<b>Existing Total Area of Use<sup>1</sup> (approx.)</b>	<b>Proposed Total Area of Use (approx.)</b>
<b>Retail</b> (to be governed by PB #66)	626,000 sf	0 sf
<b>Hotel</b> (to be governed by PB #66)	152,877 sf	152,877 sf
<b>Office</b> (to be governed by PB #66)	255,675 sf <sup>2</sup>	115,675 sf <sup>3</sup>
<b>Retail</b> (to be governed by PB #364)	0 sf <sup>4</sup>	300,000 sf <sup>5</sup>
<b>Office</b> (to be governed by PB #364)	0 sf <sup>4</sup>	140,000 sf <sup>6</sup>
<b>PUD-8</b> (to be governed by PB #364)	0 sf <sup>4</sup>	326,000 sf <sup>7</sup>

<sup>1</sup> For the avoidance of doubt, while the Upper Garage was not counted as GFA under PB #66, the approximately 273,000 sf of the Upper Garage is considered Existing GFA under PB #364 in accordance with the terms of Section 13.104.1(a) of the Ordinance and will be governed by the terms of PB #364.

<sup>2</sup> This number includes the office use on the third floor of the core mall and the portion of the Lotus office building (One Charles Park) covered by PB #66.

<sup>3</sup> This corresponds to the Lotus office building (One Charles Park).

<sup>4</sup> There is no sf governed by PB #364 under the existing conditions.

<sup>5</sup> This corresponds to the retail use on the first and second floors of the core mall.

<sup>6</sup> This corresponds to the office use on the third floor of the core mall.

<sup>7</sup> This corresponds to the retail use within the existing Macy's, Sears and Best Buy buildings that will be converted as part of the CambridgeSide 2.0 Project. This sf and any other sf shown in the above chart as being reallocated to PB #364 to accommodate the CambridgeSide 2.0 Project shall not be disregarded for purposes of reviewing density restrictions (including, without limitation, lot coverage and project bulk) with respect to the Remaining Land under PB #66. Provided, however, the reallocated use shall be governed by, and have the additional development benefits established under, PB #364, including, without limitation, all development parameters described in Section 3 below.

2. **Clarify whether any of the PB-66 special permit conditions associated with the approval of the use of parking spaces in the parking garage as a principal use in Amendment 18 need to be modified.**

- a. As detailed in the Final Development Plan for the CambridgeSide 2.0 Project (PB #364), the Applicant has been coordinating with TP&T regarding the changed parking and transportation needs that will exist at the site as a result of the CambridgeSide 2.0 Project. The Applicant will continue to coordinate with TP&T and anticipates that an amendment to the Commercial Parking Facility Permit (CPFP) that applies to the site, the terms of which are detailed in PB #66 Major Amendment #5 filed with the City Clerk on March 22, 2000 (the “**5<sup>th</sup> Major Amendment to PB #66**”, which is referred to as “Amendment 18” above), will occur after issuance of the PB #364 PUD-8 Special Permit to provide adequate time to determine appropriate mitigation for the Project. The Applicant anticipates that a minor amendment to PB #66 will be required at the time that the CPFP for the site is amended in order to update the terms of the 5<sup>th</sup> Major Amendment to PB #66 and will coordinate with CDD, the Planning Board and TP&T to effectuate such an amendment at that time.

3. **Provide a more detailed list of amendments to the conditions of PB-66 that are needed to enable the PB-364 development plan.**

- a. With respect to the Remaining Land subject to the terms of the existing PUD-4 Special Permit (PB #66), the terms of the existing PUD-4 Special Permit shall be applied without regard to any further rights granted to the PUD-8 Development Area pursuant to the PUD-8 Special Permit (PB #364). To the extent the provisions of the existing PUD-4 Special Permit, as they relate to the PUD-8 Development Area, conflict or are inconsistent with the PUD-8 Special Permit, the provisions of the PUD-8 Special Permit shall govern the PUD-8 Development Area, including, without limitation, with respect to the following development parameters:
  - i. **Final Development Plan, including Building Locations, Site Layout and Dimensions.** Final Development Plan, including Building Locations, Site Layout and Dimensions for the PUD-8 Development Area shall be governed by the Final Development Plan for PB #364, rather than the provisions of PB #66, including, without limitation, Condition 1 of the PB # 66 Decision filed with the City Clerk on June 25, 1987 (the “**Original PB #66 Decision**”, which references the Final Development Plan plans for PB #66, as modified and amended).
  - ii. **Allowed Uses.** Allowed uses for the PUD-8 Development Area, including square footage allocated to each use category, locations of the same and any restrictions on maximum floor area, shall be governed by PB #364, rather than the provisions of PB #66, including, without limitation, Condition 2 of the Original PB #66 Decision, as amended by (a) Conditions a through c of PB #66 Major Amendment #2 filed with the City Clerk on January 5, 1994, (b) the preamble to Conditions and Condition A.1. of PB #66 Major Amendment #4 and Planning Overlay Permit filed with the City Clerk on January 5, 1994; (c) Condition 16 of 5<sup>th</sup> Major Amendment to PB #66; and (d) Condition 1 of PB #66 Major Amendment #6 (also referred to as Amendment 21 (Major)) filed with the City Clerk on February 15, 2019.
  - iii. **Residential Requirements.** Any provisions related to residential development within the PUD-8 Development Area, including required square footage, gross residential densities, number and type of dwelling units, shall be governed by PB #364, rather than the provisions of PB #66, including, without limitation, Condition 1 of the Original Decision and Sections I.5. through I.8 of the Final Development Plan plans for PB #66, as modified and amended.

- iv. **Maximum Building Height.** Maximum building height for the PUD-8 Development Area shall be governed by PB #364, rather than the provisions of PB #66, including, without limitation, Condition 1 of the Original Decision (which references the Final Development Plan plans for PB #66, Section I.4. of which addresses maximum building height), as modified and amended.
- v. **Minimum Open Space.** Minimum Open Space for the PUD-8 Development Area shall be governed by PB #364, rather than the provisions of PB #66, including, without limitation, Condition 3 of the Original Decision (which references the Final Development Plan plans for PB #66, Section I.5. of which addresses open space requirements).
- vi. **Parking and Transportation.** Parking and transportation requirements for the PUD-8 Development Area, including minimum and maximum parking ratios and spaces, bicycle parking, TDM measures and required mitigation, shall be governed by PB #364, rather than the provisions of PB #66, including, without limitation, Conditions 1 and 7 of the Original Decision and Conditions 1 through 16 of the 5<sup>th</sup> Major Amendment to PB #66. For the avoidance of doubt and in accordance with the terms of PB #66, the sf that will remain subject to the existing PUD-4 Special Permit (PB #66) will be subject to the parking ratios applicable to the PUD-4 District set forth in Section 13.57.1 of the Ordinance, rather than the new parking ratios included in PB #364 or any other descriptions of the parking supply in PB #66 (including the initial parking supply set forth for the maximum of 2,750 spaces in Section I.10 of the Final Development Plan plans for PB #66).
- vii. **Architectural and Design Characteristics and Review.** Architectural and Design Characteristics and Review for the PUD-8 Development Area shall be governed by PB #364, rather than the provisions of PB #66, including, without limitation, Conditions 5 and 6 of the Original Decision.
- viii. **Dimensional Form.** The Applicant seeks the following modifications to the City's Dimensional Form as they apply to PB #66:
  - 1. **Off-Street Parking.** PB #66 provides that the development shall comply with the minimum parking requirements set forth in Section 13.57.1 of the Ordinance and that a maximum of 2,750 spaces may be provided to serve the development constructed pursuant to such special permit. Given that the Applicant proposes to redevelop a portion of the site previously developed under PB #66 (the PUD-8 Development Area), the parking requirements under PB #66 should only apply to the Remaining Land and any additional parking required under the terms of PB #66. Accordingly, a total of 368 spaces, which spaces may be shared across the uses at the site, would be required to satisfy the requirements of Section 13.57.1 of the Ordinance for the current mix of uses at the Remaining Land plus 150 spaces for the Sonesta Hotel (as required by the terms of PB #66).
  - 2. **Loading Bays.** PB #66 did not prescribe a number of required loading bays at the site; instead, Section I.3.a. of the Final Development Plan plans for PB #66 indicated that the proposed service and loading areas were approximate and would be subject to ongoing review by the Community Development Department staff and consultants. 15 loading bays currently exist at the site. In connection with the redevelopment of the PUD-8 Development Area, the Applicant proposes modifications to the loading bays to serve the entire site, including the Remaining Land.

Accordingly, the required number of loading bays for PB #66 shall be the final number of loading bays approved for PB #364.

Upon the issuance of a building permit pursuant to PB #364 for a building in the PUD-8 Development Area, the applicable building shall be governed by the provisions of PB #364, rather than PB #66. For the avoidance of doubt, Section 3 above is intended to supplement Exhibit 1 of the Applicant's August 2020 submission.

#### IV. Conclusion

The Applicant has provided the information in this supplemental narrative in response to each of the comments set forth in the Preliminary Determination regarding the requested Minor Amendment to PB #66 with the intention that these additional details clarify the modifications needed to PB #66 in order to accommodate the proposed CambridgeSide 2.0 Project (PB #364).