

**PB #66**

**Minor Amendment Request**

**Supplemental Narrative**

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## I. Minor Amendment Request

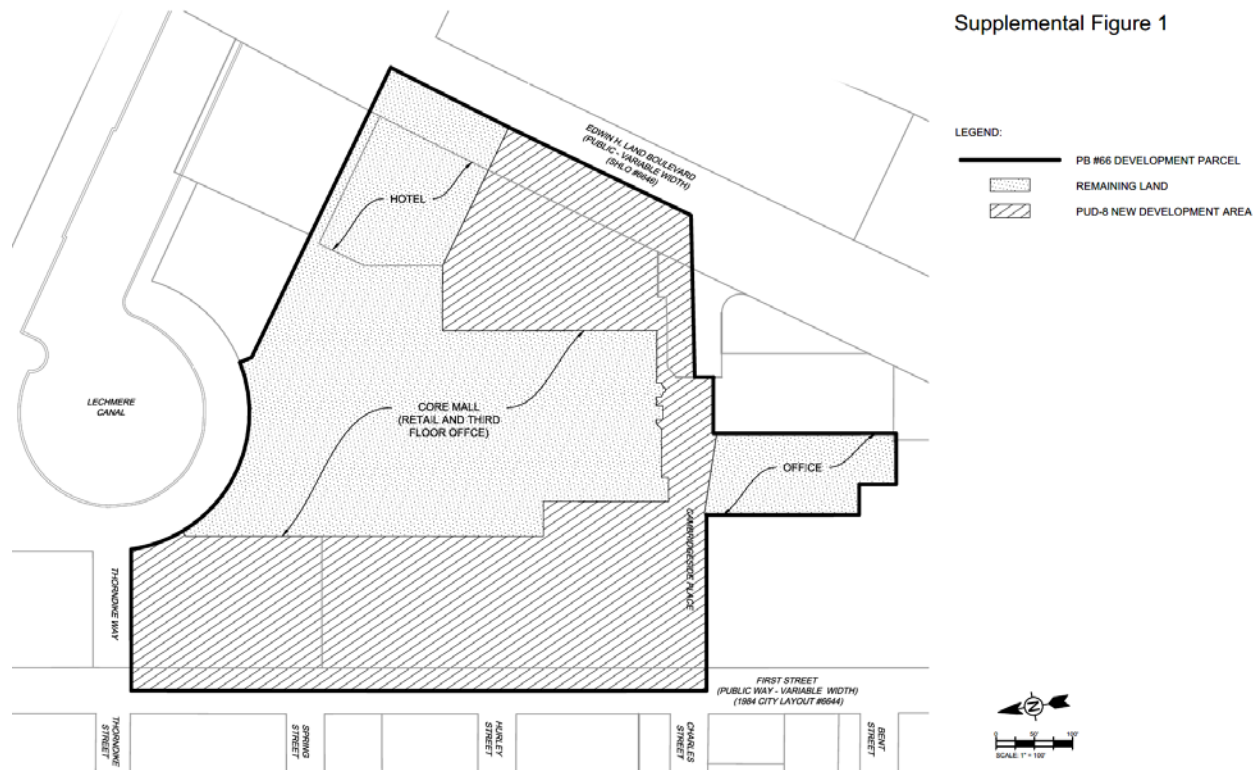
The Applicant respectfully requests that the Planning Board grant a Minor Amendment to the existing PUD-4 Special Permit (PB #66), pursuant to Section 12.37.2 of the Ordinance, to document the relationship between the existing PUD-4 Special Permit and the new PUD-8 Special Permit (PB #364) in accordance 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**", 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.

### UPDATED GRAPHIC TO BE PROVIDED



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).