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June 30, 2023

Trustees

**BY HAND AND EMAIL**  
**([sjoseph@cambridgema.gov](mailto:sjoseph@cambridgema.gov))**

Counselors at Law

Michael J. Puzo  
Edward Notis-McConarty  
Stephen W. Kidder  
Arthur B. Page  
Joan Garrity Flynn  
Nancy B. Gardiner  
Kurt F. Somerville  
Teresa A. Belmonte  
Brian C. Broderick  
Nancy E. Dempze  
Joseph L. Bierwirth, Jr.  
Dennis R. Delaney  
Mark B. Elefante  
Johanna W. Schneider  
John J. Siciliano  
Sarah M. Waelchli  
M. Bradford Bedingfield  
Charles R. Platt  
Ryan P. McManus  
Kevin M. Ellis

**Swaathi Joseph**  
**Community Development Department**  
**Zoning and Development Division**  
**344 Broadway, Third Floor**  
**Cambridge, MA 02139**

**Re: *Application for Amendment to Special Permit PB#118***  
***– 195 Binney Street***

**Dear Swaathi:**

On behalf of Equity Residential in connection with the above-referenced special permit amendment application, enclosed for filing are the following:

- Three original printed Special Permit Application forms with original signatures
- Ten hard copies of the Narrative Volume (there are no graphic volumes or appendices being submitted in support of this application)
- A check in the amount of \$150 payable to the City of Cambridge.

I am simultaneously transmitting a copy of all application materials, previously deemed complete by CDD, by email.

Michael E. Porter  
John M. Stephan  
Eleanor A. Evans  
Jennifer Grace Miller  
Donna A. Mizrahi  
Paul M. Cathcart, Jr.

Robert T. Leahy  
Steven L. Mangold  
Meaghan E. Borys  
Keirsa K. Johnson  
Leni B. Nulsen\*  
Emma Wright  
Cody A. Zane  
Clinton R. Prospere  
Shannon M. Nelson  
Dylan S. O'Sullivan

Lawrence T. Perera  
Frederic J. Marx  
R. Robert Woodburn  
Thomas L. Guidi  
Diane C. Tillotson  
Charles Fayerweather

\*Not Admitted in MA

Swaathi Joseph  
June 30, 2023  
Page 2

Please let me know if you have any questions regarding these materials.  
Thank you for your time and assistance in moving this matter forward.

Very truly yours,



Johanna W. Schneider

Enclosures

cc: Dan Egan (*e/encl.*) (*via email*)

| INVOICE DATE | INVOICE NUMBER    | DESCRIPTION                                  | MATTER #  | AMOUNT   |
|--------------|-------------------|--|-----------|----------|
| 06-29-23     | 195 Binney Street | FF - Permit Application - Equity Residential | 14312-006 | 150.00   |
| TOTAL:       |                   |  |           | \$150.00 |

THIS CHECK IS VOID WITHOUT A MULTI-COLORED BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW

**HEMENWAY & BARNES LLP**  
75 STATE STREET  
BOSTON, MA 02109-1466

**RBS Citizens, N.A.**  
Providence, RI

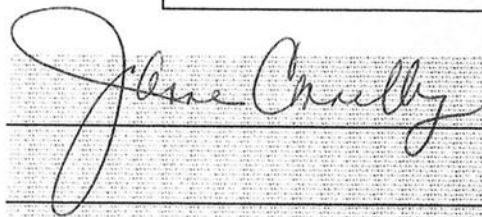
102261

5-7017  
2110

PAY One Hundred Fifty and 00/100 Dollars

|            |          |
|------------|----------|
| DATE       | 06/29/23 |
| NET AMOUNT | \$150.00 |

TO THE ORDER OF  
City of Cambridge



SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

⑈00102261⑈ ⑆211070175⑆ 1107825730⑈



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

## COVER SHEET

In accordance with the requirements of the City of Cambridge Zoning Ordinance, the undersigned hereby petitions the Planning Board for one or more Special Permits for the premises indicated below.

Parcel Address(s): 195 Binney Street

Base Zoning District(s): Industry A-1

Overlay Zoning District(s): n/a

Applicant Name: Equity Residential

Applicant Address: 3 Center Plaza, 3d Floor, Boston, MA 02108

Contact Information: Johanna Schneider 617-557-9723

Name Telephone #

jschneider@hembar.com

Email Address

**Note that the Applicant is responsible for seeking all necessary special permits for the project. A special permit cannot be granted if it is not specifically requested in the Application.**

List all requested special permit(s) (with reference to zoning section numbers):

| Zoning Section | Requested Special Permit  |
|----------------|---|
|                | Amendment to PB #118<br>Amendment to PB-118 to update the shared parking between PB-118, PB-189 & PB-303 to lease up to 250 spaces in the existing garage at 303 Third Street for commercial use. |

Denote other City of Cambridge Board/Commission Review Needed:

- Board of Zoning Appeal (Variances)     Conservation Commission     Historical Commission

Denote applicable Committee Review and Public Outreach:

- Central Square Advisory Committee     Harvard Square Advisory Committee     Community Meeting(s)

  
Signature of Applicant

5/9/23  
Date

**OWNERSHIP CERTIFICATE**

**Project Address:** 195 Binney Street

**Date:** 5/9/23

To be completed by the Property Owner:

I hereby authorize the following Applicant: Equity Residential

at the following address: 3 Center Plaza, 3d Floor, Boston, MA 02108

to apply for a special permit for: Amendment to PB #118

on premises located at: 195 Binney Street

for which the record title stands in the name of: ASN Worthington Place LLC

whose address is: c/o Equity Residential, Tow North Riverside Plaza, Suite 400, Chicago, IL 60606

by a deed duly recorded in the:

Registry of Deeds of County: Middlesex

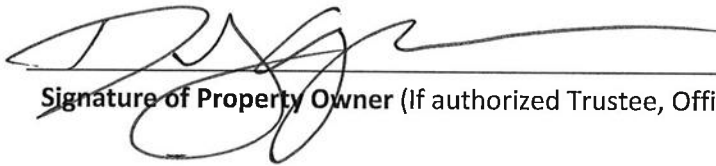
Book: 46575

Page: 268

**OR** Registry District of the Land Court,  
Certificate No.:

Book:

Page:



**Signature of Property Owner** (If authorized Trustee, Officer or Agent, so identify)

To be completed by Notary Public:

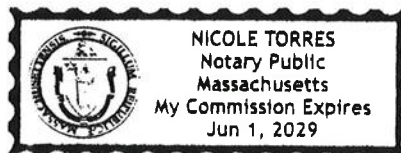
Commonwealth of Massachusetts, County of Suffolk

The above named Daniel Egan personally appeared before me,

on the month, day and year May 9, 2023 and made oath that the above statement is true.

Notary: Nicole Torres

My Commission expires: June 1, 2029



**DIMENSIONAL FORM**

**Project Address:** 195 Binney Street

**Date:**

|                                | Existing  | Allowed or Required (max/min) | Proposed         | Permitted |
|--------------------------------|-----------|-------------------------------|------------------|-----------|
| Lot Area (sq ft)               | 45,622    |                               |                  |           |
| Lot Width (ft)                 | 217' - 6" | 50' min                       |                  |           |
| Total Gross Floor Area (sq ft) | 275,296   |                               |                  |           |
| Residential Base               |           |                               |                  |           |
| Non-Residential Base           |           |                               |                  |           |
| Inclusionary Housing Bonus     |           |                               |                  |           |
| Total Floor Area Ratio         | 2.5       | 3.0                           |                  |           |
| Residential Base               |           |                               |                  |           |
| Non-Residential Base           |           |                               |                  |           |
| Inclusionary Housing Bonus     |           |                               |                  |           |
| Total Dwelling Units           | 186       | 0                             |                  |           |
| Base Units                     |           |                               |                  |           |
| Inclusionary Bonus Units       |           |                               |                  |           |
| Base Lot Area / Unit (sq ft)   |           |                               |                  |           |
| Total Lot Area / Unit (sq ft)  |           |                               |                  |           |
| Building Height(s) (ft)        | 88        | 70                            |                  |           |
| Front Yard Setback (ft)        | 0         | 0                             |                  |           |
| Side Yard Setback (ft)         | 0         | 0                             |                  |           |
| Side Yard Setback (ft)         | 0         | 0                             |                  |           |
| Rear Yard Setback (ft)         | 1.8       | 0                             |                  |           |
| Open Space (% of Lot Area)     | 5%        | 0                             |                  |           |
| Private Open Space             |           |                               |                  |           |
| Permeable Open Space           |           |                               |                  |           |
| Other Open Space (Specify)     |           |                               |                  |           |
| Off-Street Parking Spaces      | 106       |                               | 106 <sup>1</sup> |           |
| Bicycle Parking Spaces         |           |                               |                  |           |
| Loading Bays                   | 1         |                               |                  |           |

**Use space below and/or attached pages for additional notes:**

Except for number of off-street parking, all dimensional information set forth above refers to the multifamily residential building and lot located at 195 Binney Street and is based on the Dimensional Form under prior zoning as approved by the BZA in conjunction with relief granted in 1996 (BZA#7311).

<sup>1</sup> Parking spaces within the 195 Binney Street garage will be shared between the 195 Binney Street and 249 Third Street residential projects.

**OWNERSHIP CERTIFICATE**

**Project Address:** 195 Binney Street

**Date:** 5/4/23

To be completed by the Property Owner:

I hereby authorize the following Applicant: Equity Residential

at the following address: 3 Center Plaza, 3d Floor, Boston, MA 02108

to apply for a special permit for: Amendment to PB #118

on premises located at: 195 Binney Street

for which the record title stands in the name of: ASN Worthington Place LLC

whose address is: c/o Equity Residential, Tow North Riverside Plaza, Suite 400, Chicago, IL 60606

by a deed duly recorded in the:

Registry of Deeds of County: Middlesex Book: 46575 Page: 268

**OR** Registry District of the Land Court,  
Certificate No.:

Book: \_\_\_\_\_ Page: \_\_\_\_\_



Signature of Property Owner (If authorized Trustee, Officer or Agent, so identify)

To be completed by Notary Public:

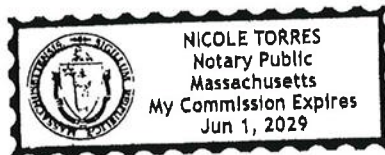
Commonwealth of Massachusetts, County of Suffolk

The above named Daniel Egan personally appeared before me,

on the month, day and year May 9, 2023 and made oath that the above statement is true.

Notary: Nicole Torres

My Commission expires: June 1, 2029



## FEE SCHEDULE

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**Project Address:** 195 Binney Street

**Date:**

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The Applicant must provide the full fee (by check made to City of Cambridge) with the Special Permit Application. The required fee is the larger of the following amounts:

- (a) The fee is ten cents (\$0.10) per square foot of total proposed Gross Floor Area noted in the Dimensional Form.
- (b) The fee is one thousand dollars (\$1,000.00) if Flood Plain Special Permit is sought as part of the Application and the amount determined above is less than \$1000.
- (c) The fee is one hundred fifty dollars (\$150.00) if the above amounts are less than \$150.

### Fee Calculation

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|   |  |               |
|---|--|---------------|
| (a) Proposed Gross Floor Area (SF) in Dimensional Form: | × \$0.10 =                                 |               |
| (b) Flood Plain Special Permit fee                      | :  | 1000.00       |
| (c) Minimum Special Permit fee                          | :  | 150.00        |
| <b>SPECIAL PERMIT FEE</b>                               | <b>Enter Largest of (a), (b), and (c):</b> | <b>150.00</b> |

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## 195 Binney Street – Application for Amendment No. 2 to Special Permit PB #118

### I. Introduction

Equity Residential (“EQR”) owns three residential properties in the Kendall Square neighborhood: 303 Third Street, 195 Binney Street, and 249 Third Street. In 2015, the Planning Board approved an Amendment to Special Permit PB #118, reducing the required parking ratio at 195 Binney Street from 1.0 to 0.7, and allowing a pooled parking arrangement whereby residents of the newly developed 249 Third Street could park in the existing 195 Binney Street parking garage and, if necessary, residents of 195 Binney Street could park in the existing garage at 303 Third Street.

In approving an amendment to PB #118 (and in companion approvals for the 303 Third Street and 249 Third Street projects), the Board acknowledged that the properties’ proximity to public transportation and the demographics of their residents limit the demand for parking spaces within the existing below-grade garages. Since 2015, parking demand across the three properties has continued to decline. This is most pronounced in the garage at 303 Third Street, which, even with the pooled parking arrangement, has approximately 300 empty parking spaces on a daily basis. At 195 Binney Street, there are 186 residential units, but only 72 parking spaces within the garage are leased to residents, which represents a parking ratio of 0.38 spaces per unit. Submitted herewith as **Exhibit A** is a parking utilization study for the three properties.

### II. Proposed Parking Arrangements

#### A. *Volpe Exchange Project Long Term Arrangement*

EQR and Massachusetts Institute of Technology (MIT) have executed an option agreement pursuant to which, beginning no sooner than January 1, 2026, the parties would enter into a long-term lease pursuant to which MIT would lease up to 250 parking spaces in EQR’s 303 Third Street garage, which abuts the MIT’s Volpe Exchange Project (being the same project as defined in that certain PUD Special Permit PB #368, the “MIT Special Permit”). The proposed agreement (the “Volpe Parking Agreement”) would allow the Volpe Exchange Project to use existing underutilized parking spaces in the immediate area rather than building a corresponding amount of new parking spaces at the Volpe Exchange Project site,<sup>1</sup> and will

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<sup>1</sup> The MIT Special Permit specifically provides that MIT “may enter into a lease, license or other occupancy agreement to use existing parking spaces in the below-grade parking garage situated below the residential condominium buildings at 285 and 303 Third Street” and if such arrangement is made, “the number of parking spaces provided [at the Volpe Exchange Project site] shall be reduced by a commensurate number of spaces without the need for further review or approval by the Planning Board.”

permit EQR to put a significant number of unutilized parking spaces to productive use.<sup>2</sup> The Volpe Parking Agreement is contingent upon the parties obtaining necessary zoning relief for the proposed parking arrangement. MIT's use of the spaces in the 303 Third Street garage is already permitted under the terms of the MIT Special Permit.

B. *BXP Interim Parking Arrangement*

In 2021, Boston Properties (BXP) received approval of an amendment to its Infill Development Concept Plan special permit (PB #315), pursuant to which a new Eversource electrical substation will be constructed at 290 Binney Street, the location of BXP's so-called Blue Garage, a 1,136 space parking garage that served occupants and visitors to the MXD District. Per the approved development plan, demolition of the Blue Garage is currently underway and below grade parking will ultimately be constructed beneath new commercial buildings to be developed by BXP.

Because MIT will not be occupying spaces within the 303 Third Street Garage until January 2026, at the earliest, for at least the next few years, the underutilized spaces will be available to serve other uses. BXP and EQR are in the process of negotiating an agreement pursuant to which BXP would lease up to 250 parking spaces within the 303 Third Street garage on an interim basis to serve occupants of the buildings previously served by the Blue Garage (105 Broadway, 115 Broadway, 125 Broadway, 250 Binney Street and 300 Binney Street), during the construction of the BXP project. Under such agreement, BXP would lease the 303 Third Street garage spaces until such time as MIT requires such spaces to serve the Volpe Exchange Project.<sup>3</sup>

III. Proposed Permit Modification

To properly align the three EQR properties' parking requirements with actual demand – and, in turn, create legal capacity for the 250 unused parking spaces at 303 Third Street to be used by BXP on an interim basis and by the Volpe Exchange Project on a long term basis – EQR is seeking a reduction in the required parking ratio for each of its three Kendall Square properties. Specifically with respect to 195 Binney, EQR requests that Special Permit PB #118 be amended so as to reduce the required parking ratio from 0.7 to 0.40 spaces per unit.<sup>4</sup>

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<sup>2</sup> This arrangement was acknowledged and strongly supported by TP&T staff in a July 15, 2021 memorandum to the Board, attached as Appendix C to the MIT Special Permit.

<sup>3</sup> It is contemplated that MIT will provide EQR with at least 180 days' notice of its intention to occupy the spaces and that EQR will provide BXP 180 days' notice of termination of the interim use of the spaces.

<sup>4</sup> Per amendments to Section 6.000 of the Ordinance, a special permit is not required for this proposed reduction. See Ordinance No, 2022-5.

The findings set forth in Special Permit PB#118 remain unchanged by the proposed reduction in the parking ratio for 195 Binney. The reduced parking ratios across EQR's Kendall Square portfolio and resultant creation of parking capacity at the 303 Third Square for the Volpe Exchange Project in the long term will allow the use of existing underutilized parking spaces in the immediate area rather than building new parking spaces at the Volpe Exchange Project site (which will reduce the detrimental effects of traffic congestion, noise and emissions from construction vehicles and equipment). In the short term, creating legal capacity for BXP to use underutilized spaces in the 303 Third Square garage will support the MXD Substation Development, which will bring much needed infrastructure upgrades to Kendall Square.

The updated pooled parking arrangement between 249 Third Street, 195 Binney Street and 303 Third Street is reflected in the summary attached hereto as **Exhibit B**.

# EXHIBIT A

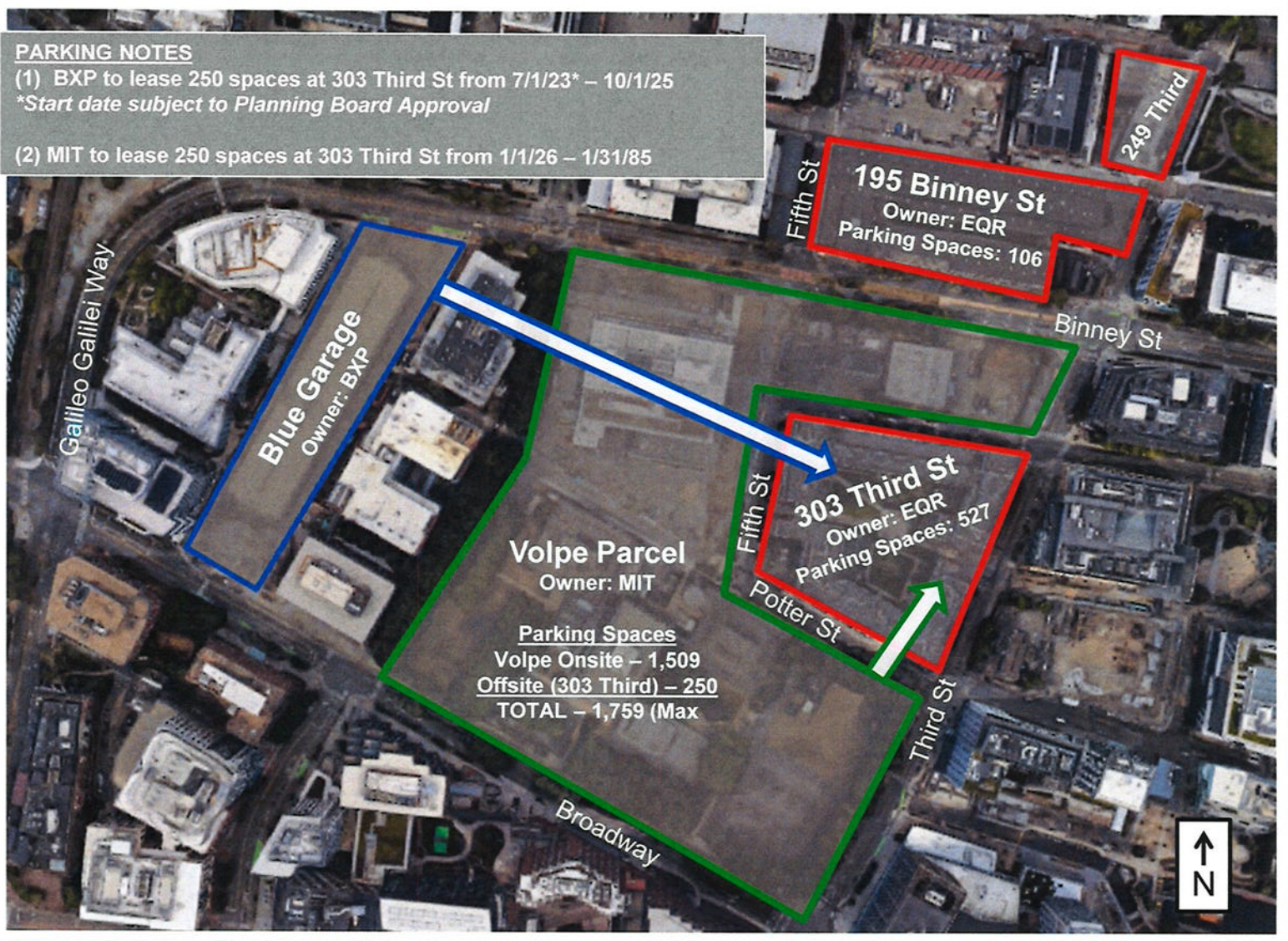
|  | 303 Third |          | 195 Binney |           | 249 Third St |          |
|--|-----------|----------|------------|-----------|--------------|----------|
|  | Current   | Proposed | Current    | Proposed* | Current      | Proposed |
| Onsite Parking Spaces [A]                    | 527       | 527      | 120        | 106       | 0            | 0        |
| Onsite Units [B]                             | 482       | 482      | 186        | 186       | 84           | 84       |
| Onsite Required Parking Ratio [C]            | 0.70      | 0.40     | 0.65       | 0.40      | 0.70         | 0.35     |
| Onsite Minimum Required Parking Spaces [B*C] | 338       | 193      | 130        | 74        | 59           | 29       |
| Required Onsite Spaces                       | 338       | 193      | 120        | 74        | 0            | 0        |
| Required Offsite Spaces                      | 0         | 0        | 0          | 0         | 59           | 29       |
| Offsite Parking Users                        | 59        | 0        | 59         | 29        |              |          |
| Total Required Parking Spaces [D]            | 397       | 193      | 189        | 103       |              |          |
| Shortage/Surplus Spaces [A-D]                | 130       | 334      | -69        | 3         |              |          |
| Current Parking Ratio                        | 0.70      |          | 0.70       |           | 0.70         |          |
| Proposed Parking Ratio                       |           | 0.40     |            | 0.40      |              | 0.35     |

Footnotes:

\* Per feedback from TPT, 195 Binney St Parking Space count now only includes Garage Spaces. Street parking spaces privately owned by EQR on Rogers St are no longer included in parking space count.

# EXHIBIT B

# 303 Third St – Parking Allocation Map



# Kendall Square – Proposed Shared Parking Agreement

| Parker Origin              | Licensee | Parker Destination | Licensor | Lease Start*          | Lease Termination      | Lease Duration (Yrs) | Extension Options | # of Parking Spaces Leased | Type of Parking | Notes  |
|----------------------------|----------|--------------------|----------|-----------------------|------------------------|----------------------|-------------------|----------------------------|-----------------|--|
| Blue Garage (135 Broadway) | BXP      | 303 Third St       | EQR      | 7/1/2023              | 10/1/2025 <sup>4</sup> | 2.4                  | Yes <sup>1</sup>  | 250                        | Monthly         | BXP will relocate cars from the Blue Garage to 303 Third St during the construction of 135 Broadway. |
| Volpe Parcel (Address TBD) | MIT      | 303 Third St       | EQR      | 1/1/2026 <sup>3</sup> | 12/31/2085             | 60.0                 | Yes <sup>2</sup>  | 250                        | Monthly         | Permanent parking for Volpe users to be provided at 303 Third St.                                    |

\* Subject to Planning Board approval

<sup>1</sup> BXP has the right to extend the lease during construction of the Replacement Garage.

<sup>2</sup> MIT lease is for 60 years and includes extension options for an additional 39 years.

<sup>3</sup> MIT lease will commence sometime between 2026-2033 at the discretion of MIT (subject to development progress / phasing)

<sup>4</sup> EQR possesses a termination right (90 day notice). EQR will terminate the BXP lease once MIT provides notice of their lease commencement.



# Kendall Square – Proposed Shared Parking Agreement

| Parking Facility and Users                  | Total Parking Spaces | Units | Leased Parking Spaces <sup>3</sup> | Proposed        |               |             |                 |
|---|----------------------|-------|------------------------------------|-----------------|---------------|-------------|-----------------|
|   |                      |       |                                    | Required Spaces | Leased Spaces | Spaces/Unit | "Excess" Spaces |
| <b>195 Binney St</b>                        | 106 <sup>5</sup>     |       |                                    |                 |               |             |                 |
| 195 Binney St                               |                      | 186   | 72                                 | 74 (Min)        |               | 0.40        |                 |
| 249 Third St                                |                      | 84    | 23                                 | 29 (Min)        |               | 0.35        |                 |
| Subtotal                                    | 106                  | 270   |                                    | 103             |               | 0.38        | 3 <sup>1</sup>  |
| <b>303 Third St</b>                         | 527                  |       |                                    |                 |               |             |                 |
| 303 Third St                                |                      | 482   | 250                                | 193 (Min)       |               | 0.4         |                 |
| BXP Blue Garage (135 Broadway) <sup>4</sup> |                      | N/A   |                                    | N / A           | 250           | N/A         |                 |
| MIT (Volpe Parcel) *                        |                      | TBD   |                                    | 250 (Max)       | 250           | **          |                 |
| Subtotal                                    | 527                  | 482   |                                    | 443             |               |             | 84 <sup>2</sup> |

\* Volpe shared parking agreement with EQR is for a maximum of 250 parking spaces in the 285 / 303 Third St garage.

\*\* To be used by Volpe resident, or non-residents, subject to the Volpe Planning Board Special Permit

<sup>1</sup> Excess spaces can be used by 195 Binney or 249 Third Street building

<sup>2</sup> 84 Excess spaces at 303 Third can be used by 285/303 Third Street, 195 Binney, or 249 Third St

<sup>3</sup> Spaces currently leased to EQR residents, as of August 2022

<sup>4</sup> Temporary parking lease for 250 spaces between EQR and BXP during construction of parking facilities at 135 Broadway

<sup>5</sup> These are the garage spaces only at 195 Binney, and do not include EQR's private street parking spaces on Rogers St