



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2014 SEP 22 PM 12 49

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## NOTICE OF DECISION

Case Number:	189 Amendment #7 (Minor)
Address:	303 Third Street
Zoning:	Residence C-2B/PUD-KS
Applicant:	303 Third Street Primary Condominium
Owner:	303 Third Street Primary Condominium
Date of Original Special Permit:	February 3, 2004
Dates of Previous Amendments:	March 1, 2005 (Minor) June 21, 2005 (Minor) April 4, 2006 (Minor) August 21, 2007 (Minor) April 7, 2009 (Minor) July 8, 2014 (Minor)
Application Date:	June 18, 2014
Date of Planning Board Public Hearing:	August 5, 2014
Date of Planning Board Decision:	August 5, 2014
Date of Filing Planning Board Decision:	September 22, 2014
Application:	Minor Amendment to the PUD Special Permit to allow shared use of parking spaces with off-site office uses (Section 12.37.2); Special Permit to reduce residential parking requirement (Section 6.35.1).
Decision:	GRANTED with Conditions

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Jeffrey C. Roberts JCR 9/22/14.

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).

## **DOCUMENTS SUBMITTED**

### Application Documents and Supporting Material

1. Application consisting of letter from James Rafferty, representative of the applicant, dated June 18, 2014, Cover Sheet, Summary of Application, Ownership Certificate and Supporting Statement.

### Other Documents

2. Memorandum to the Planning Board from Susan E. Clippinger, Director of Traffic, Parking and Transportation, dated 7/8/14.
3. Memo to the Planning Board from CDD staff, dated 7/29/14 re: 303 Third Street Parking Amendment.

## **APPLICATION SUMMARY**

The Applicant, in partnership with Alexandria Real Estate Equities, seeks to share up to two hundred (200) unused parking spaces in the existing below-grade parking garage with office uses in the nearby Alexandria Center development during the daytime. The reason is that the existing surface parking lot at 50-60 Binney Street will be redeveloped as authorized by PUD Special Permit #243, and the users of the existing surface parking spaces must be relocated during construction. New below-grade parking will be provided upon completion of the 50-60 Binney Street project. The Applicant is seeking authorization to share the two hundred (200) spaces for a period of time not to exceed thirty-six (36) months.

The Applicant seeks a determination that the request constitutes a Minor Amendment to the previously authorized PUD Final Development Plan. However, because the zoning for the district does not authorize a reduction in dedicated residential parking spaces below the ratio of one parking space per dwelling unit, the Applicant is also seeking a special permit for reduction of required parking pursuant to Section 6.35.1. It is for this reason that the proposal is being reviewed as a Special Permit Application according to the procedures set forth in Section 10.40 of the Zoning Ordinance.

## FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

### 1. Determination of Minor Amendment

*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. (Cambridge Zoning Ordinance, Section 12.37.2)*

The Board finds that the proposal does not alter the concept of the PUD. In fact, no physical changes are proposed and no changes to the principal uses within the PUD are proposed. Only the accessory use of the parking spaces is proposed to be modified for a limited period of time, which the Board deems to be a minor change.

### 2. Reduction of Required Parking

*Any minimum required amount of parking may be reduced only upon issuance of a special permit from the Board of Zoning Appeals [in this case, from the Planning Board pursuant to Section 10.45]. A special permit shall be granted only if the Board determines and cites evidence in its decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units. (Cambridge Zoning Ordinance, Section 6.35.1)*

The Application Materials and supporting memorandum from the Traffic, Parking and Transportation Department indicate that the existing residential parking garage at 303 Third Street contains 527 parking spaces. While eleven of those spaces are dedicated to condominium units, 516 spaces serve the remaining 471 rental apartments. Of the 516 spaces, direct counts indicate that utilization during the daytime ranges from a minimum of about 166 parked cars to a maximum of about 271 parked cars. Utilization at night ranges from about 272 to 294 parked cars. Therefore, even at peak utilization, about 233 spaces remain empty at night and about 256 spaces remain empty in the daytime.

The office uses that are proposed to share the parking facility are allowed under the PUD-KS zoning regulations. Because those uses are also in Kendall Square, the change in parking location will not materially impact overall traffic patterns in the area. The Traffic, Parking

and Transportation Department expressed support for the proposal given that the demand for residential parking will continue to be met and that excess parking spaces will be shared in an efficient way that reduces the need to create new parking. Therefore, the Board finds that the allowance of up to two hundred (200) spaces to be shared with office users, for a period of time not to exceed thirty-six (36) months, will not materially impact the availability of parking for residential or other uses.

*(Section 6.35.1 continued) In making such a determination the Board shall also consider whether or not less off street parking is reasonable in light of the following:*

- (1) The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station.*

The proximity of the Kendall Square MBTA station is clearly a determining factor that results in the observed low demand for on-site residential parking.

- (2) The availability of public or commercial parking facilities in the vicinity of the use being served provided the requirements of Section 6.23 are satisfied.*

As discussed above, additional parking facilities will not be necessary to meet the parking demands of the residential use.

- (3) Shared use of off street parking spaces serving other uses having peak user demands at different times, provided that no more than seventy-five (75) percent of the lesser minimum parking requirements for each use shall be satisfied with such shared spaces and that the requirements of Subsection 6.23 are satisfied.*

The proposal will meet this standard, since sixty-seven percent (67%) of the required residential parking will be dedicated and only thirty-three percent (33%) will be shared. However, given the evidence provided by the Applicant and reviewed by the Traffic, Parking and Transportation Department, it is unlikely that sharing of individual spaces between daytime and nighttime uses will be necessary.

- (4) Age or other occupancy restrictions which are likely to result in a lower level of auto usage; and*

Such occupancy restrictions are not necessary to ensure that the residential parking demand will be met.

- (5) Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, significant negative impact on the historic resources on the lot, impairment of the urban design objectives of the city as set forth in Section 19.30 of the Zoning Ordinance, or loss of pedestrian amenities along public ways.*

The proposal will have no impact on existing landscaping or any other physical aspect of the PUD.

- (6) *The provision of required parking for developments containing affordable housing units, and especially for developments employing the increased FAR and Dwelling unit density provisions of Section 11.200, will increase the cost of the development, will require variance relief from other zoning requirements applicable to the development because of limitations of space on the lot, or will significantly diminish the environmental quality for all residents of the development.*

The PUD does provide Affordable Units pursuant to the Inclusionary Housing requirements. Whether or not this is a factor, the evidence provided by the Applicant strongly suggests that the observed demand for residential parking is sufficiently low to accommodate the proposed shared use.

3. General Criteria for Issuance of a Special Permit (10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

*10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:*

- (a) *It appears that requirements of this Ordinance cannot or will not be met, or ...*

With the requested special permits, the requirements of the Ordinance will met.

- (b) *traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...*

As discussed further above, the proposal is not expected to materially impact traffic patterns in the area.

- (c) *the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...*

The proposal for temporary sharing of existing parking spaces will not adversely impact adjacent uses.

- (d) *nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or ...*

No impacts on health, safety or welfare are expected to result. All applicable codes and requirements will continue to be met.

*(e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...*

The allowance of parking to be shared among different uses is consistent with the mixed-use character of the area and the City's overall planning goals.

*(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.*

The proposal will not have any impact on the physical urban design characteristics of the building or the surrounding area.

## DECISION

Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. All conditions of previously granted Special Permits and Amendments for this Planned Unit Development shall continue to apply, except as explicitly modified in this Decision.
2. Up to two hundred (200) on-site parking spaces are authorized to be used as accessory to office uses meeting the applicable standards for location of off-site accessory parking.
3. Nothing in this Decision shall be construed to limit the continued use of parking spaces by residential users in whatever manner the Permittee deems appropriate. For instance, spaces that are available to office users during the daytime may be used by residents at night or at times when they are otherwise unoccupied.
4. No change to the total number of accessory parking spaces maintained within the facility shall be authorized by this Decision. No other change to the approved development on the site shall be authorized by this Decision.
5. The provisions of this Decision shall expire and terminate after thirty-six (36) months have elapsed from the date of filing this Special Permit Decision.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members H Theodore Cohen, Steve Cohen, Hugh Russell, Tom Sieniewicz, Steven Winter, and Associate Members Catherine Preston Connolly and Ahmed Nur, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,

 Hugh Russell (STR)

Hugh Russell, Chair.

A copy of this decision #189, Amendment #7, 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 correct copy of the above decision filed with the Office of the City Clerk on September 22, 2014, by Jeffrey C. Roberts, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision. No appeal has been filed.

DATE:

City Clerk of Cambridge