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June 30, 2023

Trustees

BY HAND AND EMAIL
(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#301*
- 249 Third 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.

Sincerely,



Johanna W. Schneider

Enclosures

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

1566 City of Cambridge

REMITTANCE ADVICE

CK DATE: 06/29/23

CHECK NO.: 102260

INVOICE DATE	INVOICE NUMBER	DESCRIPTION	MATTER #	AMOUNT
06-29-23	249 Third 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

102260

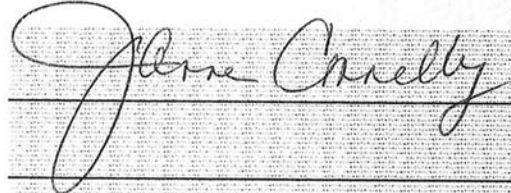
5-7017
2110

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

⑈00102260⑈ ⑆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): 249 Third Street

Base Zoning District(s): IA-1

Overlay Zoning District(s): ECHO

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 Special Permit PB #301 Amendment to PB-301 to update the shared parking between PB-118, PB-189, & PB-301 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: 249 Third Street

Date: 5/5/23

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 #301

on premises located at: 249 Third Street

for which the record title stands in the name of: ASN Kendall Square LLC

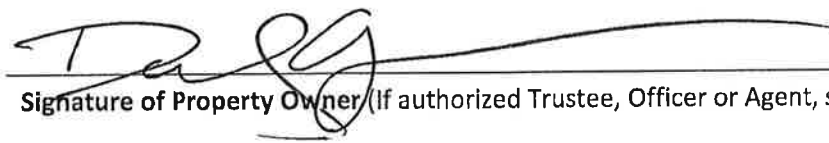
whose address is: c/o Equity Residential, Tow North Riverside Plaza, Suite 400, Chicago, IL 60606

by a deed duly recorded in the:

Registry of Deeds of County: Middlesex Book: 53735 Page: 180

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:

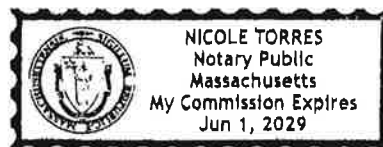
Commonwealth of Massachusetts, County of Suffolk

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: 249 Third Street

	Existing	Allowed or Required	Approved (10/6/2015)	Proposed	Permitted
Lot Area (sq ft)	26,918	5,000	26,918	26,918	
Lot Width (ft)	217.65	50	217.65	217.65	
Total GFA (sq ft)	N/A	87,484	71,897	86,381	
Residential Base	N/A	67,295	54,121	66,189	
Non-Residential Base	N/A	33,648	1,540	1,420	
Inclusionary Bonus	N/A	20,189	16,256	18,772	
Total FAR	N/A	3.25	2.67	3.21	
Residential Base	N/A	2.50	2.01	2.46	
Non-Residential Base	N/A	1.25	0.06	0.05	
Inclusionary Bonus	N/A	0.75	0.60	0.70	
Total Dwelling Units	N/A	90	84	84	
Base Units	N/A	69	TBD	64	
Inclusionary Bonus Units	N/A	21	TBD	20	
Base Lot Area / Unit (sq ft)	N/A	300	320	320	
Total Lot Area / Unit (sq ft)	N/A	300	320	320	
Height (ft)	N/A	45/55 max	45/55	45/55	
Front Setbacks (ft)	N/A	0/4	0/6	0/7	
Side Setback (ft)	N/A	10	10.2	10.1	
Rear Setback (ft)	N/A	N/A	N/A	N/A	
Open Space (% of Lot Area)	20.70%	None	20.3%	20.4%	
Private Open Space	0	-	750	2,126	
Permeable Open Space	5,571	-	4,708	4,737	
Off-Street Parking Spaces	78	84	2	2	
Long-Term Bicycle Parking	0	89	89	90	
Short-Term Bicycle Parking	0	10	11	12	
Loading Bays	0	N/A	N/A	N/A	

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

FEE SCHEDULE

Project Address: 249 Third Street

Date:

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

(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
SPECIAL PERMIT FEE	Enter Largest of (a), (b), and (c):	150.00

249 Third Street – Application for Amendment to Special Permit PB #301

I. Introduction

Equity Residential (“EQR”) owns three residential properties along the Third Street corridor in the Kendall Square neighborhood: 303 Third Street, 195 Binney Street, and 249 Third Street. In 2015, the Planning Board (the “Board”) issued a special permit (PB #301) for an 84-unit residential development at 249 Third Street with a required parking ratio of 0.7 spaces per unit. In conjunction with such approval, the Board also approved a pooled parking arrangement among the three EQR-owned buildings along Third Street. Pursuant to such pooled parking arrangement, all parking for the 249 Third Street project is located within the existing below grade garage at 195 Binney Street and, to the extent demand requires, residents of 195 Binney Street are permitted to park in the existing 303 Third Street garage.

In approving a reduced parking ratio for the 249 Third Street project (and in the companion approvals reducing the required parking for 195 Binney Street and 303 Third Street), 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 at 195 Binney Street and 303 Third Street. 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. Submitted herewith at **Exhibit A** is a parking utilization study for the three properties.

II. Proposed Relief

EQR seeks a modification of Special Permit PB #301 to reduce the required minimum parking ratio for the 249 Third Street project from 0.7 to 0.35 spaces per unit in order align the three EQR properties’ parking requirements with actual demand and to create legal capacity for the proposed shared parking arrangements described below.

III. 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,¹ and will permit EQR to put a significant number of unutilized parking spaces to productive use.² 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.³

IV. 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

¹ 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."

² 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.

³ 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.

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 249 Third Street, EQR requests that Special Permit PB #301 be amended so as to reduce the required minimum parking ratio from 0.7 to 0.35 spaces per unit.⁴ To the extent that parking above the 0.35 ratio is required, such parking will be provided as part of the pooled parking facilities at 195 Binney Street and 303 Third Street.

The findings set forth in Special Permit PB #301 remain unchanged by the proposed reduction in the parking ratio for 249 Third Street. 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**.

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

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 ⁴	2.4	Yes ¹	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 ³	12/31/2085	60.0	Yes ²	250	Monthly	Permanent parking for Volpe users to be provided at 303 Third St.

* Subject to Planning Board approval

¹ BXP has the right to extend the lease during construction of the Replacement Garage.

² MIT lease is for 60 years and includes extension options for an additional 39 years.

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

⁴ 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 ³	Proposed			
				Required Spaces	Leased Spaces	Spaces/Unit	"Excess" Spaces
195 Binney St	106 ⁵						
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 ¹
303 Third St	527						
303 Third St		482	250	193 (Min)		0.4	
BXP Blue Garage (135 Broadway) ⁴		N/A		N / A	250	N/A	
MIT (Volpe Parcel) *		TBD		250 (Max)	250	**	
Subtotal	527	482		443			84 ²

* 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

¹ Excess spaces can be used by 195 Binney or 249 Third Street building

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

³ Spaces currently leased to EQR residents, as of August 2022

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

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