



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: October 18, 2023

Re: Special Permit **PB-118, 195 Binney Street**
PB-189, Amendment 9 (Minor), 303 Third Street
PB-301, 249 Third Street

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Overview

Submission Type: Special Permit Applications PB-118, PB-301
Request for Minor Amendment to PUD Special Permit PB-189

Applicant: Equity Residential

Zoning District(s): PB-118-Industry A-1
PB-189-Business A; Residence C-2B; Kendall Square Planned
Unit Development (KS-PUD)
PB-301-Industry A-1; Eastern Housing Cambridge Overlay
(ECHO); Planned Unit Development-4C (PUD-4C)

Proposal Summary: Amend and update the shared parking between PB-118, PB-189 and PB-301 to lease up to 250 parking spaces in the existing garage at 303 Third Street for commercial use.

Special Permits Requested: PB-118 - Section 6.22.2 Provision of required residential parking off-site.
PB-189- Sections 12.37 Amendment to Final Development Plan; 13.10 PUD-KS Development Controls.
PB-301- Sections 19.20 Project Review Special Permit; 6.22.2 Provision of required residential parking off-site

Other City Permits Needed: PTDM plan approved on 7/7/23

Planning Board Action: PB-118 and PB-301 - Grant or deny requested special permits.
PB-189 - Determination approving the Minor Amendment

Memo Contents: CDD Zoning Report

Other Staff Reports: none

Zoning Section	Required Planning Board Findings <i>(Summary - see appendix for zoning text excerpts)</i>
Minor Amendments to the Final Development Plan (Section 12.37.2)	<p>Amendments to the Final Development Plan:</p> <ul style="list-style-type: none"> • 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. • Shall include, but not be limited to small changes in the location of buildings, open space, or parking; or realignment of minor streets.
Project Review Special Permit (Section 19.20)	The project is consistent with the urban design objectives of the City as set forth in Section 19.30.
Special Permit for off site accessory parking(Section 6.22.2)	<ul style="list-style-type: none"> • No off site accessory parking facility may be located on a lot which has a more restrictive zoning classification than the lot on which the use being served is located • Off site accessory parking facilities shall be located within four hundred (400) feet of the lot being served for residential uses and within one thousand (1000) feet of the lot for other uses
General Special Permit Criteria (Section 10.43)	<p>Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43:</p> <ul style="list-style-type: none"> (a) It appears that requirements of this Ordinance cannot or will not be met, or (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or (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 (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 (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 (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

Zoning & Development Staff Report

Background & Requested Amendments

Equity Residential (the “Applicant”) owns three residential developments in close proximity to each other in Kendall Square, all of which are built and occupied: 303 Third Street, 195 Binney Street, and 249 Third Street. The Applicant proposes to lease 250 excess spaces at the 303 Third Street garage on an interim and permanent basis in succession – first to users of the Kendall Square Blue Garage, and subsequently users of the Volpe Exchange Parcel redevelopment.

To effectuate the proposed change, all three special permits must be amended. 195 Binney Street and 249 Third Street are Project Review Special Permit projects, and 303 Third Street is a PUD special permit. At its first hearing, the Planning Board determined that the proposed amendment to the 303 Third Street PUD constituted a Minor Amendment.

More information on the project background and proposed amendments can be found in staff’s [first memo](#) on these cases.

Planning Board Response & Additional Materials

At its first hearing, the Planning Board asked for additional information and study of the following elements of the proposal:

- How will the traffic circulation in the area be impacted by the proposed change, related to both existing and approved development projects?
- What is the existing demand for space at the garage, and what excess of spaces may be anticipated once the MIT spaces are reserved?
- Once the 250 spaces are reserved, will there be enough off-street parking for both residents and visitors of the 303 Third Street building?
- What is the anticipated vehicle queueing at the roll-up door entry to the garage? How quickly can the door process fob entries?
- How will key fob access be managed to ensure that MIT parkers cannot access the residential portion of 303 Third Street?
- What consideration has been given to creating a generally-restricted area of parking on P1 for residents of 303 Third Street?

Since the first hearing, the Applicant has met with CDD and TP+T staff to discuss the Planning Board's comments and has provided a [written response](#) to several of the Planning Board's initial questions and comments:

- *On Impacts to Area Traffic Circulation:* The Applicant states that they have worked closely with TP+T staff on evaluating potential traffic impacts as a result of the proposal, and believe there will be no significant impacts to traffic circulation by this amendment. TP+T staff will present some material at the upcoming October 24 hearing.
- *On Building Security:* New fob readers will be used that ensure external parkers have access only to the garage and lobby of the 303 Third Street building, and no residential areas.
- *On Garage Queuing:* The Applicant states that the garage is equipped with "fast close" commercial doors, which means that upon a successful fob scan, the doors can open/close within 1.5 seconds and stay open for approximately 12 seconds.
- *On Parking Availability for Residents/Visitors:* The Applicant conducted additional observations of the parking garage during the month of September and reiterate their initial conclusion that there will be over 80 excess spaces within the Garage for residents and visitors.
- *On Reserving Spaces for 303 Residents in P1:* The Applicant states that in their experience, allowing more flexibility and freedom to park throughout the Garage creates greater efficiencies for space availability than to sequester spaces for a specific group of parkers.

Conditions

As a reminder, should the Planning Board elect to grant the requested amendments, the following conditions of the original special permits would need to be modified. Further, any recommended conditions from the approved Parking and Transportation Demand Management (PTDM) plan updates could also be incorporated into the Decisions:

- PB-118 (195 Binney Street):
 - Condition #2: This condition establishes a minimum off-street parking requirement and would need to be updated to reflect the requested reduced off-street parking ratio.

- PB-189 (303 Third Street):
 - Condition #1: This condition establishes the plans and narratives which govern the development of the PUD, and would be modified to reflect an updated off-street parking arrangement on an interim and permanent basis.
 - Condition #3: This condition establishes the permitted uses on the site, and would be evaluated to ensure that the proposed off-street parking arrangement would be permitted.

- PB-301 (249 Third Street):
 - Condition #5: This condition establishes the minimum off-street parking requirements for the project, and would be updated to reflect the reduced off-street parking ratio.

Appendix - Zoning Text Excerpts

PUD Special Permit Criteria

12.37 *Amendments to Final Development Plan.* After approval of the Final Development Plan by the Planning Board, the developer may seek amendments to the Final Development Plan, only if he encounters difficulties in constructing the PUD which could not have reasonably been foreseen, such as with terrain or soil conditions or other complications.

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.

12.37.3 Major amendments represent substantial deviations from the PUD concept approved by the Planning Board. Major amendments shall include, but not be limited to, large changes in floor space, mix of uses, density, lot coverage, height, setbacks, lot sizes, open space; changes in the location of buildings, open space, or parking; or changes in the circulation system.

General Criteria for Issuance of a Special Permit

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
- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (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
- (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
- (g) 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
- (h) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

19.30 Citywide Urban Design Objectives [SUMMARIZED]

Objective	Indicators
New projects should be responsive to the existing or anticipated pattern of development.	<ul style="list-style-type: none"> • Transition to lower-scale neighborhoods • Consistency with established streetscape • Compatibility with adjacent uses • Consideration of nearby historic buildings
Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.	<ul style="list-style-type: none"> • Inhabited ground floor spaces • Discouraged ground-floor parking • Windows on ground floor • Orienting entries to pedestrian pathways • Safe and convenient bicycle and pedestrian access
The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.	<ul style="list-style-type: none"> • Location/impact of mechanical equipment • Location/impact of loading and trash handling • Stormwater management • Shadow impacts • Retaining walls, if provided • Building scale and wall treatment • Outdoor lighting • Tree protection (requires plan approved by City Arborist)
Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.	<ul style="list-style-type: none"> • Water-conserving plumbing, stormwater management • Capacity/condition of water and wastewater service • Efficient design (LEED standards)
New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.	<ul style="list-style-type: none"> • Institutional use focused on existing campuses • Mixed-use development (including retail) encouraged where allowed • Preservation of historic structures and environment • Provision of space for start-up companies, manufacturing activities
Expansion of the inventory of housing in the city is encouraged.	<ul style="list-style-type: none"> • Housing as a component of large, multi-building development • Affordable units exceeding zoning requirements, targeting units for middle-income families
Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.	<ul style="list-style-type: none"> • Publicly beneficial open space provided in large-parcel commercial development • Enhance/expand existing open space, complement existing pedestrian/bicycle networks • Provide wider range of activities