



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

## NOTICE OF DECISION

Case Number:	301 Amendment 2
Address:	249 Third Street
Zoning:	Industry A-1; Eastern Housing Cambridge Overlay (ECHO); Planned Unit Development-4C (PUD-4C)
Applicant:	Equity Residential 3 Center Plaza, 3rd floor, Boston 02108
Owner:	ASN Kendall Square LLC c/o Equity Residential, Two North Riverside Plaza, Suite 400, Chicago, IL 60606
Application Date:	July 12, 2023
Date of Planning Board Public Hearing:	August 29, 2023; October 24, 2023
Date of Planning Board Decision:	October 24, 2023
Date of Filing Planning Board Decision:	December 19, 2023
Application:	Amendment to previously granted special permits for off-site residential parking (Section 6.22.2) and Project Review Special Permit (Section 19.20) to reduce the ratio of provided off-street parking to 0.35 spaces per dwelling unit.
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: Swaathi Joseph

For further information concerning this decision, please contact Swaathi Joseph at 617-349-4668, or [sjoseph@cambridgema.gov](mailto:sjoseph@cambridgema.gov).

## **DOCUMENTS SUBMITTED**

### Application Documents and Supporting Material

1. Application for Amendment to Special Permit PB#301 – 249 Third Street from Johanna W. Schneider, Equity Residential, dated 06/30/2023.
2. Presentation slides shown to Planning Board on 08/29/2023.
3. Supplemental information dated 09/21/2023.
4. Revised Proposal dated 10/05/2023.
5. Presentation slides shown to Planning Board on 10/24/2023.

### City of Cambridge Documents

6. Memorandum to the Planning Board from Brooke McKenna, Transportation Commissioner, Traffic, Parking and Transportation Department, dated 8/23/2023.
7. Memorandum to the Planning Board from Community Development Department (CDD) Staff, dated 8/24/2023.
8. Memorandum to the Planning Board from CDD Staff, dated 10/18/2023.

### Other Documents

9. Email communication to the Planning Board from Fred Conduce, dated 08/23/2023.
10. Email communication to the Planning Board from Fred Conduce, dated 10/11/2023.
11. Email communication to the Planning Board from O. Robert Simha, dated 10/20/2023.
12. Email communication to the Planning Board from Naomi R. Leeds, dated 10/23/2023.
13. Email communication to the Planning Board from Fred Conduce, dated 10/24/2023.
14. Email communication to the Planning Board from Stephen Ruggiero, dated 10/24/2023.
15. Email communication to the Planning Board from Bjorn Poonen, dated 10/24/2023.
16. Notice of Extension of Time to December 31, 2023, dated 11/01/2023.

## APPLICATION SUMMARY

Equity Residential (the “Applicant”) controls three residential developments in close proximity to each other in Kendall Square: 195 Binney Street, 303 Third Street, and 249 Third Street. Pursuant to previously granted special permits, the parking for the three sites is shared between a 527-space below-grade parking garage at 303 Third Street and 120 on-site spaces at 195 Binney Street.

In addition to providing shared parking for these three sites, the Applicant proposes to lease excess spaces at the 303 Third Street garage on an interim and permanent basis in succession, as follows:

- Until 2026, while the Kendall Square MXD project is being developed, former users of the Kendall Square Blue Garage will be able to use up to 250 spaces.
- From January 2026 onward, users of the MIT Volpe Exchange Parcel redevelopment will be able to use up to 250 spaces.

To effectuate the proposed change, all three special permits are proposed to be modified, as follows:

- PB-118 (195 Binney Street): Amend the special permit to reduce the required off-street parking ratio from 0.7 spaces per dwelling unit to 0.4 spaces per dwelling unit. The number of parking spaces available on-site is also reduced from 120 to 106.
- PB-189 (303 Third Street): Amend the PUD special permit to reduce the required off-street parking from 0.7 spaces per dwelling unit to 0.4 spaces. Further amend the PUD special permit to permit Boston Properties (“BXP”) to utilize up to 250 spaces in the 303 Third Street garage until January 2026, and subsequently permit users of the Volpe Exchange Redevelopment parcel to use up to 250 spaces in the garage from January 2026 onward.
- PB-301 (249 Third Street): Amend the special permit to reduce the required off-street parking ratio from 0.7 spaces per dwelling unit to 0.35 spaces per dwelling unit.

## 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. Project Review Special Permit (Section 19.20)

The Planning Board finds that the proposal continues to meet the criteria to grant a Project Review Special Permit, as set forth below.

*(19.25.1) Traffic Impact Findings. Where a Traffic Study is required as set forth in Section 19.24 (2) above the Planning Board shall grant the special permit only if it finds that the project will have no substantial adverse impact on city traffic within the study area as analyzed in the Traffic Study. Substantial adverse impact on city traffic shall be measured by reference to the traffic impact indicators set forth in Section 19.25.11 below. In areas where the Planning Board determines that area-specific traffic guidelines have been established in the Ordinance, the Board recognizes written agreements between project proponents and the City dealing with transportation mitigation strategies.*

The Board finds that the proposed change will not affect the previous finding of no substantial adverse impact on city traffic because there is no change proposed to the location of parking, which will continue to be off-site, and no change proposed to the use of the site that would impact transportation demand. Supplemental materials in the Application Documents include an analysis of anticipated traffic patterns by the shared parking arrangement, and a memorandum was received from the Traffic, Parking, and Transportation Department dated August 23, 2023, supporting the request.

*(19.25.2) Urban Design Findings. The Planning Board shall grant the special permit only if it finds that the project is consistent with the urban design objectives of the city as set forth in Section 19.30. In making that determination the Board may be guided by or make reference to urban design guidelines or planning reports that may have been developed for specific areas of the city and shall apply the standards herein contained in a reasonable manner to nonprofit religious and educational organizations in light of the special circumstances applicable to nonprofit religious and educational activities.*

The Board finds that the proposal involves no physical change to the development and therefore will not impact the Urban Design Objectives set forth in Section 19.30.

2. Provision of off-site accessory parking (Section 6.22.2)

*6.22.2. The Board of Zoning Appeal may grant a special permit for off site accessory parking not allowed in Subsection 6.22.1 (a) provided that convenient and safe access from the parking facility to the use being served is provided in accordance with the following conditions:*

*(a) 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.*

*(b) 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.*

Acting pursuant to Section 10.45 of the Zoning Ordinance, the Planning Board finds that the criteria in Section 6.22.2 continue to be met because the locations of off-site parking will not change, and no other change is proposed that will impact the Findings previously made by the Planning Board when granting the original special permit on November 16, 2015 and subsequent amendment. The proposed reduction in parking ratio to 0.35 spaces per dwelling unit will have no impact on the criteria set forth in the Zoning Ordinance. A memorandum from the Traffic, Parking, and Transportation Department dated August 23, 2023, supports the request. Moreover, the Zoning Ordinance no longer requires a minimum amount of accessory parking, therefore no special permit is needed to reduce the ratio of parking spaces per dwelling unit.

2. General Criteria for Issuance of a Special Permit (Section 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 ...*

Upon granting of the requested special permits, it appears that no requirements of the Ordinance will be violated by the proposed change.

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

Based on supplemental materials in the Application Documents, including an analysis of anticipated traffic patterns by the shared parking arrangement, and with reference to the aforementioned memorandum from the Traffic, Parking, and Transportation Department dated August 23, 2023, the Board finds that there will be no congestion, hazard or substantial change in neighborhood character as part of this request.

*(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 proposed change will not alter the nature of the current use on the site and therefore will not impact adjacent sites.

*(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 ...*



The proposed change will not alter the nature of the current use on the site and therefore will not create nuisance or hazard.

*(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 Amendment request does not involve a new proposed use and the existing uses continue to be permitted in the zoning district and adjoining districts.

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

As previously set forth in these Findings, there is no proposed development as part of this Amendment request that will impact urban design.

## DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby GRANTS the requested Amendment subject to the following conditions and limitations.

1. Condition #5 of PB-301 issued November 16, 2015, shall be amended to read as follows:
  5. The required off-street parking ratio for the Project shall be 0.35 spaces per dwelling unit, which shall be provided in any combination of off-street parking spaces at 195 Binney Street and 303 Third Street. There will be one (1) van accessible parking space and one (1) loading zone on-site at 249 Third Street.
2. Appendix I summarizes the dimensional features of the project as approved.
3. The “Proposed Parking Allocation Plan” and “Proposed Parking and Reassignment” attached to PB-301 shall be deleted and replaced with the attached tables and maps of parking allocation and shared parking provided in Exhibits A and B of the Application Documents dated June 30, 2023.
4. Except as explicitly set forth above, the Conditions of Special Permit Decision PB-301 as previously amended shall continue to be in effect.

Voting in the affirmative to grant the requested Special Permits were Planning Board Members, Louis Bacci, Jr., H Theodore Cohen, Ashley Tan, and Associate Members Diego Macias and Adam B. Westbrook, appointed by the Acting Chair to act on the case constituting at least two thirds of the members of the Board.

For the Planning Board,



H Theodore Cohen, Acting Chair

A copy of this decision PB-301 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 has been filed on December 19, 2023 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and: \_\_\_\_\_ no appeal has been filed; or

\_\_\_\_\_ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: \_\_\_\_\_, City Clerk

Appeal has been dismissed or denied.

Date: \_\_\_\_\_, City Clerk

**Appendix I: Approved Dimensional Chart**

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	26,918	5,000	No Change	No Change
Lot Width (ft)	217.65	50	No Change	No Change
Total GFA (sq ft)	86,381	87,484	No Change	
Residential Base				Consistent with Application Documents and applicable zoning requirements
Non-Residential Base				
Inclusionary Bonus				
Total FAR	3.21	3.25	No Change	Consistent with Application Documents and applicable zoning requirements
Residential Base				
Non-Residential Base				
Inclusionary Bonus				
Total Dwelling Units	84	115	No Change	
Base Units				Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units				
Base Lot Area / Unit (sq ft)				
Total Lot Area / Unit (sq ft)				
Height (ft)	45/55	45/55	No Change	
Front Setbacks (ft)	0/7	0/4	No Change	Consistent with Application Documents and applicable zoning requirements
Side Setback (ft)	10.1	10.1	No Change	
Side Setback (ft)			No Change	
Rear Setback (ft)	N/A	N/A	No Change	
Open Space (% of Lot Area)	20.4%	0	No Change	
Private Open Space				Consistent with Application Documents and applicable zoning requirements
Permeable Open Space				
Off-Street Parking Spaces	2	0	2 <sup>1</sup>	2 <sup>1</sup>
Long-Term Bicycle Parking	90	89	No Change	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	12	10	No Change	
Loading Bays	0	N/A	No Change	

<sup>1</sup> Parking spaces will be allocated in the existing garage at 195 Binney Street to serve residential uses at 249 third Street according to the conditions of this Special Permit. See attached summary of approved pooled parking arrangements among residential uses at 249 Third Street, 195 Binney Street and 303 Third Street.

# 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