



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

## NOTICE OF DECISION

Case Number:	118, Amendment 1
Address:	195 Binney Street
Zoning:	Industry A-1 / Eastern Cambridge Housing Overlay (ECHO) District
Applicant:	Equity Residential on behalf of Owner 1500 Massachusetts Ave, N.W. Washington, D.C. 20005
Owner:	ASN Worthington Place LLC Two North Riverside Plaza, Suite 400, Chicago, IL 60606
Application Date:	July 1, 2015
Date of Planning Board Public Hearing:	August 18, 2015
Date of Planning Board Decision:	October 6, 2015
Date of Filing Planning Board Decision:	November 16, 2015
Application:	Special permits amending the conditions of previously granted Planning Board Special Permit PB #118 for reduction of required parking (6.35.1) and provision of required residential parking off-site (Section 6.22.2).
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 11/16/15*

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

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OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## **DOCUMENTS SUBMITTED**

### Application Documents and Supporting Material

1. Special Permit Amendment Application for 195 Binney Street submitted on 7/1/2015, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative in support of 195 Binney Street, Memorandum regarding Proposed Parking Reallocation dated 6/17/2015, Parking Allocation Plans prepared by Howard/Stein-Hudson Associates, Inc. and Certification by Traffic, Parking and Transportation Department.
2. Supplemental Information and Updated Proposal dated 9/22/15, containing a response memorandum dated 9/22/15.

### City of Cambridge Documents

3. Memo to the Planning Board from Public Works Department staff, dated 8/5/15
4. Memo to the Planning Board from Traffic, Parking and Transportation Department staff, dated 8/13/15
5. Memorandum to the Planning Board from CDD staff, dated 8/13/15
6. Memorandum to the Planning Board from CDD staff, dated 9/30/15

### Other Documents

7. Letter to the Planning Board from Barbara Broussard, East Cambridge Planning Team, dated 4/24/15

## **APPLICATION SUMMARY**

On July 1, 2015 the Applicant submitted a proposal to construct a new building at 249 Third Street with housing and a corner ground floor retail uses. The application also sought modifications for parking requirement reduction and pooled parking among the proposed building and two existing residential buildings in the area at 303 Third Street and 195 Binney Street, which are governed by previously granted Planning Board special permits PB #189 and PB #118, respectively. The proposed project at 249 Third Street will contain no on-site parking as all resident parking is proposed to be located in the existing underused below-grade garage at 195 Binney Street, which is approximately 30 feet away. The applicant is further proposing to accommodate any excess parking demand from 195 Binney Street at the 285/303 Third Street garage, which is less than 300 feet from 195 Binney Street.

The Applicant submitted the application for the requested special permits, which would amend and supersede the conditions of a previously granted Special Permit PB #118 for 195 Binney Street, on July 1, 2015. The base zoning is Industry A-1. The base zoning is modified by the



Eastern Cambridge Housing Overlay (ECHO) district. No new construction is proposed at 195 Binney Street in this amendment application. The requested special permits are discussed in detail in the Findings below.

## 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. 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 the requirements of the Ordinance will be met.

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

The proposed reduction of required parking and provision of required residential parking off-site are not anticipated to cause particular congestion or hazard.

*(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 changes in parking will not adversely affect adjacent uses that exist or are anticipated in the future as permitted in the Zoning Ordinance.

*(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 changes will not create nuisance or hazard, and all development activity will adhere to applicable health and safety regulations.



*(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 proposed reduction in parking is encouraged by City plans for the area and the Zoning Ordinance.

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

No new use or building construction is proposed.

## 2. Special Permits Related to Parking (Article 6.000)

The proposed project seeks approval to relocate required accessory parking and to reduce the required amount of accessory parking. Such relief is allowed by the Zoning Ordinance in Sections 6.22.2 and 6.35.1, respectively, and Section 10.45 of the Zoning Ordinance which allows the Planning Board to grant special permits otherwise within the purview of the Board of Zoning Appeal for projects that are also subject to Planning Board review.

The broader intent of the relief sought is to permit a pooled parking arrangement among three residential sites in close proximity along Third Street. Therefore, the Findings made by the Board in relation to these special permits are also made with consideration of, and reference to, the special permits being sought for parking at 303 Third Street (PB #189) and 249 Third Street (PB #301), which are filed as separate Special Permit Decisions.

*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.*

The project proposes accommodation of excess residential and visitor parking for 195 Binney Street at the existing garage at 285/303 Third Street, which is within close proximity and easily accessible from the site, meeting all of the above mentioned conditions. The Board finds it appropriate to grant the special permit to allow use of off-site accessory parking as proposed, with reference to the general Findings set forth in this Special Permit Decision and other requirements set forth in the Zoning Ordinance.

*6.35.1 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. 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. ...*

While the approved parking ratio for 195 Binney Street is 1.04 as per PB #118, the Parking Analysis provided by the Applicant reveals that the current parking spaces leasing rate is only 0.58 spaces per unit. The site's proximity to public transportation and the demographics of its residents have reduced the demand for off-street parking. Hence the applicant is proposing a reduced parking ratio. The proposed reduction in parking is consistent with the City's goals to discourage driving and encourage other modes of transportation, particularly in areas that are served by public transit. The Kendall Square ("K2") portion of the K2C2 Planning Study encouraged reducing the parking requirements for new housing in the area as well as shared parking arrangements and the use of existing underutilized parking facilities as an alternative to constructing new parking. The current proposal to accommodate new resident parking for 249 Third Street in the existing underutilized garage at 195 Binney Street is consistent with these planning objectives and may further help to mitigate traffic concerns and promote greater use of alternative transportation in the future.

The proposed shared parking arrangement will achieve an overall residential parking ratio of about 0.7 space per dwelling unit, which is a ratio generally supported by the City for locations well served by rapid transit. The Applicant also provided a Parking Analysis as a part of the Special Permit Application, including data gathered through U.S. Census surveys, Cambridge Traffic, Parking and Transportation records, and direct monitoring of nearby parking facilities indicating that demand for residential parking in the area is significantly less than the requirement of one space per dwelling unit. As the existing and permitted residential development at 195 Binney Street has underutilized off-street parking, the Board finds that there will be minimum impact on availability of parking for other residents and no other adverse impacts on the neighborhood. The Board also finds that the reduction in parking will be reasonable in light of the considerations set forth below.

*... 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 reduction in parking is reasonable given the proximity of the project to the Kendall Square and Lechmere MBTA stations.



- (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.*

Aside from on-street parking, there are no public parking facilities in the vicinity of the residential building; however, the Parking Analysis provided indicates there is ample off-street residential parking available to meet the demonstrated demand from residents.

- (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.*

No shared parking is proposed. All parking spaces are reserved for the residential use.

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

The reduction in parking anticipates a less auto-dependent future for the area, and the low parking supply will help discourage auto usage among residents, given that many other transportation alternatives are available.

- (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 reduction in parking is preferable because it promotes efficient use of the existing parking facility at 195 Binney Street and prevents the need to build additional parking at 249 Third Street, which positively impacts the urban design of the area.

- (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.*

Consideration of affordability is not applicable to this existing building.



## 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 use, building construction, and site plan development shall be in substantial conformance with the Application Documents submitted by the Applicant to the Planning Board on July 1, 2015, all supplemental documents and information submitted by the Applicant to the Planning Board dated September 22, 2015, and the additional Conditions of this Special Permit Decision. Appendix I summarizes the dimensional features of the project as approved.
2. A minimum of fifty-nine (59) spaces shall be provided in the existing garage at 195 Binney Street to serve residential uses at 249 Third Street. Parking at a ratio of 0.7 space per dwelling unit shall be provided for residential uses at 195 Binney Street within a combination of the 195 Binney Street site and the 285/303 Third Street garage. See attached summary of approved pooled parking arrangements among residential uses at 249 Third Street, 195 Binney Street and 303 Third Street.
3. The Permittee shall be required to implement the following Transportation Demand Management (TDM) measures to encourage residents to use sustainable modes of transportation and shall be required to submit annual monitoring reports. Compliance with these requirements shall be certified by TPT prior to issuance of any Certificate of Occupancy for residential uses authorized by this Special Permit.
  - a. Become a member of a Transportation Management Association (TMA) serving the Kendall Square area.
  - b. Provide free EZRide Shuttle sticker to each adult member of each household each year.
  - c. Provide air pumps and other bicycle repair tools such as “fix-it” stations in the long-term bicycle parking areas prior to issuance of Certificate of Occupancy.
  - d. Encourage carpooling in coordination with MassRides, a local TMA, or other private ride-matching organizations.
  - e. Either install a real-time multimodal transportation display screen to help people decide which mode to choose for each trip, or establish a transportation information center located in an area that is central, visible, convenient, and equally accessible to all residents, employees and visitors, to make available information on non-driving options. The center will feature information on:
    - Cambridge bicycle facility map

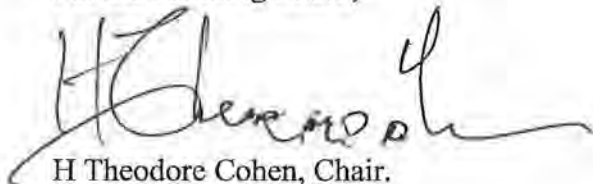
- MBTA maps, schedules, fares, and real-time transit app information.
  - Area shuttle map and schedule, if one exists.
  - "Getting Around in Cambridge" map (available from the Cambridge Community Development Department).
  - On-site bicycle parking
  - All CitySmart brochures.
  - Hubway regional bicycle share system
  - Carsharing services
  - Ride-matching services such as MassRides.
  - Other pertinent transportation information.
- f. Designate a transportation coordinator (TC) for the site to manage the TDM program. The TC will also oversee the marketing and promotion of transportation options to all residents at the site in a variety of ways:
- Posting information in a prominent location in the building, on the Project's website, social media outreach, and in property newsletters.
  - Responding to individual requests for information in person and via phone and email.
  - Performing annual transportation surveys.
- g. The TC shall implement a monitoring program to include: annual monitoring of residents mode of travel for all trips, counts of parking space utilization (cars and bicycles), auto ownership and parking location, plus biennial driveway counts for 285/303 Third Street and 195 Binney Street. All surveys and counts shall be designed and conducted in a manner approved by CDD. The program should be coordinated with monitoring of 195 Binney Street and 303 Third Street buildings and should include auto ownership and where residents park. Approval of the form of any survey instrument or monitoring method is required before issuance of first Certificate of Occupancy. Monitoring and surveying shall begin when the occupancy of the building has reached ninety percent (90%) or within one year of the date of the first Certificate of Occupancy, whichever is sooner. If the Certificate of Occupancy is issued between September 1<sup>st</sup> and February 29<sup>th</sup>, the monitoring should take place during the months of September or October and be reported to the City no later than November 30. If the Certificate of Occupancy is issued between March 1<sup>st</sup> and August 31<sup>st</sup>, monitoring should take place during the months of April or May and be reported to the City no later than June 30.
- h. The TC will compile and distribute up-to-date information explaining all transportation options to all new residents as part of their New Resident Packet. The packets will contain information on both the range of options available and any building manager programs to support the use of these options.
- i. The TC will be on-site during a minimum of 2 hours per week and will be available during other times to residents via email and telephone. Email and phone information for the TC will be posted in the transportation information center.



- j. The TC will participate in any TC trainings offered by the City of Cambridge or local TMA and will oversee any City of Cambridge monitoring and reporting requirements.
- k. The TC should actively manage and monitor the residents' auto ownership and parking location and use all reasonable measures to:
  - Encourage non-automobile ownership
  - Provide an appropriate and flexible market-rate parking fee program that best accommodates all residential vehicles (and guest vehicles) in the 195 Binney Street and 285/303 Third Street garages.
4. The Permittee shall work with City staff to optimize the design of any additional bicycle parking that is proposed so that it is as functional as possible.
5. The Permittee shall conduct periodic monitoring of bike storage capacity and demand to ensure there is adequate bike parking, which will be incorporated into the Transportation Demand Management (TDM) monitoring program.
6. The Permittee shall retain the current auto parking fee for 195 Binney Street residents who are presently parking at 249 Third Street parking lot, upon being relocated to the 195 Binney Street and/or 285/303 Third Street garage, until the end of their tenancy at 195 Binney Street. As part of the TDM monitoring program, the Permittee shall assess whether a significant number of residents are opting to park on-street rather than off-street.

Voting in the affirmative to approve the Development Proposal were Planning Board Members Louis Bacci, Jr., Catherine Preston Connolly, H Theodore Cohen, Steven Cohen, Hugh Russell, and Associate Members Thacher Tiffany and Ahmed Nur, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board.

For the Planning Board,



H Theodore Cohen, Chair.

A copy of this decision PB #118, Amendment 1 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 November 16, 2015, 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

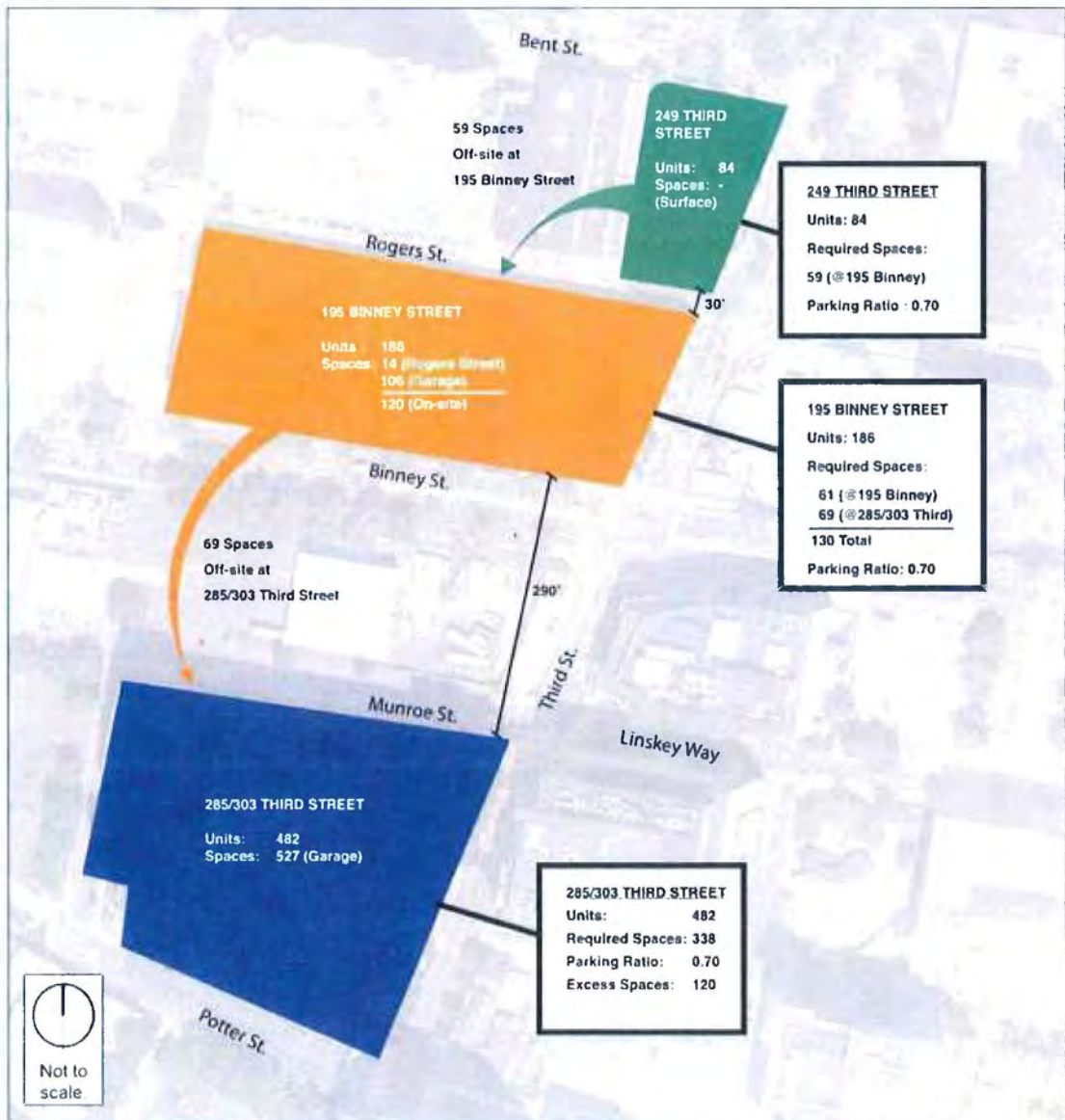


**Appendix I: Approved Dimensional Chart**

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	45,622		No Change	
Lot Width (ft)	217.65		No Change	
Total GFA (sq ft)	275,296		No Change	
Residential Base				
Non-Residential Base				
Inclusionary Bonus				
Total FAR	2.5	3.0	No Change	
Residential Base				
Non-Residential Base				
Inclusionary Bonus				
Total Dwelling Units	186	0	No Change	
Base Units				
Inclusionary Bonus Units				
Base Lot Area / Unit (sq ft)				
Total Lot Area / Unit (sq ft)				
Height (ft)	88	70	No Change	
Front Setbacks (ft)	0	0	No Change	
Side Setback (ft)	0	0	No Change	
Rear Setback (ft)	0	0	No Change	
Open Space (% of Lot Area)	5%	0	No Change	
Private Open Space				
Permeable Open Space				
Off-Street Parking Spaces	194	130	120 <sup>1</sup>	120 <sup>1</sup>
Long-Term Bicycle Parking				
Short-Term Bicycle Parking				
Loading Bays	1		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. Additional parking spaces at 195 Binney Street, supplemented by spaces at 303 Third Street, for a total of 130 spaces, will serve residential uses at 195 Binney Street. See attached summary of approved pooled parking arrangements among residential uses at 249 Third Street, 195 Binney Street and 303 Third Street.

**Figure 2. Proposed Parking Allocation Plan**



Howard/Stein-Hudson Associates, Inc.



## Proposed Parking and Reassignment

The Project-generated and existing garage vehicle trips were relocated assuming a future parking ratio of 0.7 spaces per residential unit at 195 Binney Street and 285/303 Third Street. The existing vehicle trips to and from the Project site were redistributed to the 195 Binney Street parking garage and a portion of the 195 Binney Street trips were redistributed to the 285/303 Third Street garage driveway (see Table 3.C.3 for future parking space assignment). The resulting a.m. and p.m. peak hour re-distributed traffic volume networks are shown in Figure 3.D.1 through Figure 3.D.4.

**Table 3.C.3 Proposed Parking Allocation Plan**

Location	Units	Existing		Proposed	
		Spaces	Ratio (spaces/unit)	Required Spaces	Ratio (spaces/unit)
<b>195 Binney Street</b>	<b>186</b>				
195 Binney Street Garage		106		46	
249 Third Street Lot		74		-	
Rogers Street		14		14	
285/303 Third Street Garage		-	-	70	
<i>Subtotal</i>	<i>186</i>	<i>194</i>	<i>1.04</i>	<i>130</i>	<i>0.70</i>
<b>285/303 Third Street</b>	<b>482</b>				
285/303 Third Street Garage		527	1.12	338	0.70
<i>Subtotal</i>	<i>482</i>	<i>527</i>	<i>1.12</i>	<i>338</i>	<i>0.70</i>
<b>249 Third Street Proposed Project</b>	<b>84</b>				
195 Binney Street Garage				59	0.70
<i>Subtotal</i>	<i>84</i>			<i>59</i>	<i>0.70</i>
<b>Total</b>	<b>752</b>	<b>721</b>	<b>0.97</b>	<b>527<sup>1</sup></b>	<b>0.70</b>

<sup>1</sup> 527 spaces would be required at 0.70 spaces per unit, leaving 120 spaces unused in the 285/303 Third Street Garage.

Following the redevelopment of the 74-space surface lot at 249 Third Street, the combined parking supply at 249 Third Street, 285/303 Third Street, and 195 Binney Street would total 647 spaces (721-74=647). As shown in Table 3.C.3, 527 spaces would be allocated for the combined 752 units at the proposed parking ratio of 0.70 spaces per unit rather than the 1.0 ratio required in the IA-1 district. Therefore, the 285/303 Third Street garage will have an additional capacity of 120 spaces (647-527=120).