



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: August 24, 2023

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

IRAM FAROOQ
Assistant City Manager for
Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

KHALIL MOGASSABI
Deputy Director
Chief of Planning

Overview

Submission Type: Special Permit Applications PB-118, PB-301
Request for Major 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 - Preliminary Determination approving the Development Proposal (authorizing the submission of a Final Development Plan to be reviewed at a second public hearing), or denying the special permit application.

Memo Contents: CDD Zoning Report

Other Staff Reports: Traffic, Parking and Transport (TPT) in separate documents.

344 Broadway
Cambridge, MA 02139
Voice: 617 349-4600
Fax: 617 349-4669
TTY: 617 349-4621
www.cambridgema.gov

Zoning Section	Required Planning Board Findings <i>(Summary - see appendix for zoning text excerpts)</i>
Preliminary Approval of a PUD Development Proposal (Section 12.35.3)	<p>The PUD Development Proposal:</p> <ul style="list-style-type: none"> • Conforms with general PUD development controls and district development controls • Conforms with adopted policy plans or development guidelines for that portion of the city • Provides benefits to the city which outweigh its adverse effects, considering: <ul style="list-style-type: none"> ○ quality of site design ○ traffic flow and safety ○ adequacy of utilities and other public works ○ impact on existing public facilities ○ potential fiscal impact
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 Information

Equity Residential (the “Applicant”) owns three residential developments in close proximity of each other in Kendall Square: 195 Binney Street, 303 Third Street, and 249 Third Street. These developments were built at various times in the 1990’s and 2000’s, and are subject to individual special permits:

195 Binney Street, aka “246 Third Street” or “The Lofts at Kendall Square” ([PB-118](#)) was first approved in 1996 and included the conversion of an existing industrial building into approximately 200 residential dwelling units. 194 off-street parking spaces were permitted as part of the project, and were distributed in both on-site and off-site locations:

- 74 off-site at 240-248 Third Street (later relocated to an open air lot at 249 Third Street)
- 106 in a below-grade garage on the site itself
- 14 in a surface lot abutting Rogers Street.

303 Third Street ([PB-189](#)) was first approved in 2004 and included the construction of 482 residential dwelling units and 527 off-street parking spaces in an underground garage. The development has undergone several amendments, including an amendment to permit temporary parking from Alexandra Real Estate Equities during the construction of another project, as well as an amendment to reduce the required parking ratio from 1 space per dwelling unit to 0.7 spaces per dwelling unit.

249 Third Street ([PB-301](#)) was approved in 2015 and included the development of 84 dwelling units and a ground floor retail space. All required parking in the 249 Third Street development was approved off-site. As part of the initial approval, the Planning Board granted a special permit to allow for pooled parking across all three development sites.

All three development sites are built and occupied. The Applicant has submitted a traffic study which demonstrates that despite pooled parking and a lower parking ratio for all three developments, the existing parking supply across these sites remains underutilized and several parking spaces remain empty on a regular basis.

Requested Amendments

The Applicant proposes to lease excess spaces at the 303 Third Street garage on an interim and permanent basis in succession, as follows:

- From now 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 Volpe Exchange Parcel redevelopment will be able to use up to 250 spaces.

To effectuate the proposed change, all three special permits will need 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.
- [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.

The Volpe Special Permit ([PB-368](#)) contemplated the use of the 303 Third Street garage for excess parking for users at the Volpe site, and permitted this to be done as of right ([Condition #2.b.ix](#)). In order for users of the MXD site to temporarily utilize off-street parking in the 303 Third Street garage, BXP will petition the Board of Zoning Appeal for relief under Section 6.22.2 and 14.52.3 of the Zoning Ordinance.

Zoning Comments on Proposed Amendment

Better utilizing existing off-street parking fulfills several planning goals of the City, as specified in [Envision Cambridge Comprehensive Plan](#) (2019) and the [K2 Kendall Square Plan](#) (2013). Specifically, these plans recommend actions such as reduced off-street parking maximums, optimizing off-street parking to match parking needs of development, and requiring shared parking arrangements for mixed-use developments.

These special permits were granted during a time when the Cambridge Zoning Ordinance required minimum off-street parking for new developments. Reducing or eliminating off-street parking requirements associated with older special permits aligns with the City’s [recent zoning change](#) to eliminate off-street parking requirements for new development citywide.

PB-118 and PB-301 are non-PUD special permits, and amendments are granted in accordance with the original findings of the special permit and the general special permit criteria in Section 10.43 of the Zoning Ordinance.

PB-189 is a PUD special permit and amendments are considered either major or minor. Per Section 12.37 of the Zoning Ordinance, minor amendments are those 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.” Major amendments, conversely, represent “substantial deviations from the PUD concept approved by the Planning Board.” Major amendments must follow the original procedures outlined for new PUD special permits in Section 12.30, which includes the approval of a Development Proposal and Final Development Plan in two subsequent public hearings. Minor amendments may be approved in a single public hearing.

Conditions

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 Traffic, Parking & Transportation (TP+T) memorandum or 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.
 - Condition #3: This condition outlines required TDM measures for the project and would be updated based on any recommended changes from the PTDM officer.

- 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.
 - Condition #7: This condition outlines required TDM measures for the project and would be updated based on any recommended changes from the PTDM officer.

Appendix - Zoning Text Excerpts

PUD Special Permit Criteria

12.35.2 Within twenty-one (21) days after the public hearing, the Planning Board shall make a determination concerning the Development Proposal. If the Planning Board approves the Development Proposal or conditionally approves the Development Proposal with recommendations for modifications, then the developer must submit a Final Development Plan as specified in Section 12.36. If the Planning Board disapproves the Development Proposal then the application for a Special Permit to construct a PUD shall be denied. If the Planning Board makes no decision within the specified time limit, then the Development Proposal shall be considered approved and the developer shall prepare a Final Development Plan

12.35.3 Approval of the Development Proposal shall be granted only upon determination by the Planning Board that the Development Proposal:

(1) conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth for the specific PUD district in which the project is located;

(2) conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located;

(3) provides benefits to the city which outweigh its adverse effects; in making this determination the Planning Board shall consider the following:

- (a) quality of site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public;
- (b) traffic flow and safety;
- (c) adequacy of utilities and other public works;
- (d) impact on existing public facilities within the city; and
- (e) potential fiscal impact.

12.36.4 The Planning Board shall make the decision to approve or disapprove the application for a Special Permit to construct a Planned Unit Development no later than ninety (90) days after the public hearing concerning the Development Proposal Approval of the Final Development Plan shall be granted only upon determination by the Planning Board that the Final Development Plan meets the evaluation criteria set forth in Section 12.35.3 and contains any revisions to the Development Proposal required by the Planning Board. If the Planning Board grants the Special Permit with conditions, the conditions must be agreed to in writing by the developer before the Special Permit is granted. The Planning Board shall make its final decision in writing and shall specify its reason for not granting a Special Permit to construct a PUD. If the Planning Board makes no decision within the specified time limit, then the Final Development Plan shall be considered approved and the Special Permit to construct a PUD shall be deemed granted.

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