



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

WRITTEN DETERMINATION MINOR AMENDMENT TO PLANNED UNIT DEVELOPMENT

Case Number:	189 Amendment 9 (Minor)
Location of Premises:	303 Third Street
Zoning:	Business A (BA); Residence C-2B (C-2B); Kendall Square Planned Unit development (PUD- KS); Planned Unit Development (PUD-7)
Applicant:	Equity Residential 3 Center Plaza, 3rd floor, Boston 02108
Owners:	303 Third SPE LLC c/o Equity Residential, Two North Riverside Plaza, Suite 400, Chicago, IL 60606
Application Date:	July 12, 2023
Date of Determination:	October 24, 2023
Summary of Proposal:	Amendment to PB-189 to update the shared parking between PB-118, PB-301 and PB-189 to lease up to 250 parking spaces in the existing garage at 303 Third Street for commercial use.
Determination:	APPROVED AS MINOR AMENDMENT.

Copies of this Written Determination and 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 Written Determination, please contact Swaathi Joseph at 617-349-4668, or sjoseph@cambridgema.gov.

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CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

DOCUMENTS SUBMITTED

Documents Submitted by Permittee

1. Application for Amendment to PUD Development Plan from Johanna W. Schneider on behalf of 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.

SUMMARY OF REQUEST

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

1. Minor Amendment to Planned Unit Development Special Permit (Section 12.37)

After considering the Application and hearing testimony on August 29, 2023, the Planning Board determined that the request constitutes a Minor Amendment and does not require a Major Amendment to the PUD Special Permit PB-189. The following standards are set forth

in the Zoning Ordinance regarding Minor Amendments to Planned Unit Development Special Permits.

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.

The Planning Board finds that the requested Amendment constitutes a Minor Amendment because there are no changes to 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. No changes to the physical development of the PUD are proposed, except for minor internal modifications to improve the operation of the parking facility and provide added security for residents of the building, which was a request heard by the Board during public testimony.

The requested Amendment involves the continued utilization of existing off-street parking spaces to serve other principal uses that are in the vicinity of the site, as has previously been approved by the Board. Evidence provided in the Application Documents demonstrates that there will be adequate parking to serve all anticipated uses. The special permit granted for the Volpe Exchange Parcel (PB-368) authorized a long-term shared parking arrangement with 303 Third Street in order to reduce the number of parking spaces built on the Volpe Exchange Parcel. A memorandum from the Traffic, Parking, and Transportation Department dated August 23, 2023, supports the request. Testimony from Traffic, Parking, and Transportation Department staff indicated that the traffic impacts will be negligible because no new parking will be built on-site and the parking that is shared with adjacent principal uses will result in a commensurate reduction in new parking constructed.

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 provided.

DETERMINATION

Based on a review of the documents submitted and the above Findings, the Planning Board hereby approves the requested changes as a Minor Amendment to the Planned Unit Development (PUD) Final Development Plan authorized by Planning Board Special Permit Decision PB-189, subject to the following conditions and limitations:

1. In approving the Minor Amendment, the Board hereby amends Condition #2 of Special Permit Decision PB-189, as set forth in Amendment 8 issued October 6, 2015, to read as follows:
 2. Any excess parking demand from residential units at 195 Binney Street and 249 Third Street is approved to be accommodated at the 303 Third Street garage, provided that a ratio of 0.4 spaces per dwelling unit is maintained for residential units at 285/303 Third Street. Notwithstanding the foregoing, up to 250 spaces may be provided on an interim basis to Boston Properties (“BXP”) for vehicles accessory to 105 Broadway, 115 Broadway, 125 Broadway, 250 Binney Street and 300 Binney Street through December 2025 as part of the redevelopment of the Kendall Square Blue Garage site (PB-315). Following such an arrangement, up to 250 spaces may be provided on a permanent basis to users of the Volpe Exchange Redevelopment Parcel (PB-368) beginning in January 2026.
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 Amendment 8 to PB-189 shall be deleted and replaced with the attached tables and maps of parking allocation and shared parking provided in Exhibits C and D of the Application Documents dated June 30, 2023.
4. The Applicant shall install all proposed security measures, as described in the Application Materials dated June 30, 2023, September 21, 2023, and October 5, 2023, prior to the shared parking arrangement going into effect.
5. Except as explicitly set forth above, the Conditions of Special Permit Decision PB-189 as previously amended shall continue to be in effect.

Voting in the affirmative to APPROVE the Minor Amendment 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 determination approving Amendment 9 (Minor) to Planning Board Special Permit PB-189 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 accurate copy of the above determination 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 determination 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)	143,384		No Change	No Change
Lot Width (ft)	322		No Change	No Change
Total GFA (sq ft)	554,598	559,197	No Change	
Residential Base				Consistent with Application Documents and applicable zoning requirements
Non-Residential Base				
Inclusionary Bonus				
Total FAR	3.87	3.9	No Change	Consistent with Application Documents and applicable zoning requirements
Residential Base				
Non-Residential Base				
Inclusionary Bonus				
Total Dwelling Units	527	664	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)	85	85	No Change	
Front Setbacks (ft)				Consistent with Application Documents and applicable zoning requirements
Side Setback (ft)				
Side Setback (ft)				
Rear Setback (ft)				
Open Space (% of Lot Area)	49	20	No Change	Consistent with Application Documents and applicable zoning requirements
Private Open Space				
Permeable Open Space				
Off-Street Parking Spaces	527	0	527 ¹	527 ¹
Long-Term Bicycle Parking	264	264	No Change	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking				
Loading Bays				

¹ Parking spaces within the 303 Third Street garage will be shared among the 303 Third Street, 195 Binney Street, and 249 Third Street residential projects and with other nearby uses authorized by the Conditions of Amendment 9 (Minor).

EXHIBIT C

	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 D

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	3¹
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			84²

* 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