

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB#152

Address: University Park at MIT - Phase IV

Zoning: Cambridgeport Revitalization Development District

Owners/Applicant: Forest City Enterprises, Inc.

Application Date: May 4, 1999

Public Hearing: June 29, 1999

Planning Board Decision: August 17, 1999

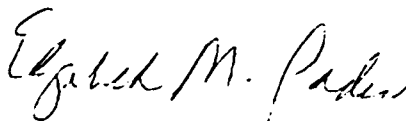
Date of Filing Decision: August 24, 1999

1999 JUN 31 AM 10:02
CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

Application: Interim Planning Overlay Permit (Section 11.500) for 129,000 square feet of research and development space, 341,000 square feet of office space and 361 residential dwelling units.

Decision: 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 the 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 Office of the Community Development Department and the City Clerk.

Authorized Representative
to the Planning Board:



For further information concerning this decision, please call Liza Paden at 349-4647, TTY: 349-4621, email lpaden@ci.cambridge.ma.us.

Case No: PB#152

Address: University Park at MIT - Phase IV

Zoning: Cambridgeport Revitalization Development District

Owners/Applicants: Forest City Enterprises, Inc.

Application Date: May 4, 1999

Planning Board Decision: August 17, 1999

Date of Filing Decision: August 31, 1999

Application

1. Special Permit Application submitted by Applicant on April 15, 1999, with ownership certificate, narrative description, description of Cambridgeport Roadways Improvements, existing conditions map, current land use plan, photographs of current conditions, site plan, building details, dimensional forms and zoning review.
2. Conformance of the Project with the City of Cambridge Growth Policy Documents "Towards a Sustainable Future" submitted by Applicant.
3. Executive Summary - IPOP Special Permit Application submitted by Applicant on 6/10/99.
4. Traffic Impact Study/IPOP, dated February 1999, prepared by VHB/Vanasse Hangen Brustlin, Inc. ("VHB").
5. Traffic Impact Study/IPOP. Technical Appendix, dated March 3, 1999, prepared by VHB.
6. Certificate of Compliance from Susan E. Clippinger, Director, dated 4/15/99.

Other Documents Submitted

1. Memorandum of Ranjit Singanayagam, Assistant Commissioner/Zoning Specialist, that prepared buildings do not require any variances or special permits dated 4/12/99.

2. March 31, 1999, VHB "University Park Traffic Monitoring Program" report.
3. April 7, 1999 trip assignments and volumes for 45 and 75 Sidney Street.
4. April 13, 1999, letter from Joan Peyrebrune of VHB with additional parking information and revised figures 3 and 4 showing the Windsor Street traffic numbers.
5. April 14, 1999 memo from Susan E. Clippinger summarizing the remaining parking information.
6. Parking utilization of the Phase II Garage submitted by VHB on April 14, 1999.
7. Revised Executive Summary submitted by VHB on April 14, 1999.
8. Letter of support from Central Square Business Associated dated June 7, 1999.
9. Letter from Cambridge Community Television dated June 8, 1999.
10. Memorandum to Planning Board dated 6/08/99 from Susan E. Clippinger, Director.
11. Letter of support from Tofias Fleishman Shapiro & Co., P.C. dated June 10, 1999.
12. Letter of support from Cambridge Chamber of Commerce dated June 10, 1999.
13. Letter of support from John f. O'Brien dated June 11, 1999
14. Letter of support from Charles Dunbar dated June 11, 1999.
15. Letter of support from Thomas Riley dated June 11, 1999.
16. Letter of support from Steven W. Delaney, Acusphere, dated June 11, 1999.
17. Letter to Forest City from Cambridge Public Schools, Cambridgeport School, dated June 11, 1999.

18. Letter from The Office of Workforce Development dated June 11, 1999.
19. Letter of support from Ariad dated June 14, 1999.
20. Letter of support from John Clifford, Green Street Grill, dated June 14, 1998.
21. Letter of support from Ontogeny, Inc. dated June 14, 1999.
22. Letter of support from Ascent Technology, Inc. dated June 14, 1999.
23. Letter of support from International Brotherhood of Painters and Allied Trades, District Council No. 35, dated June 14, 1999.
24. Letter to Planning Board from Forest City requesting delay in public hearing dated 6/15/99.
25. Letter of support from Move Massachusetts dated June 16, 1999.
26. Letter from Central Square World's Fair dated June 23, 1999.
27. Letter to Planning Board from Michael Sullivan, City Councillor, dated 6/24/99 regarding his support of University Park's IPOP Application.
28. Letter to Planning Board from Sheila Russell, City Councillor, dated 6/24/99 regarding her support of Forest City's IPOP special permit application for Phase IV.
29. Letter of support from Cambridge YWCA dated June 25, 1999.
30. Letter of support from Lisa Bromer dated June 28, 1999.
31. Letter of support from Jean Wilcox dated June 28, 1999.
32. Letter of support from Donald Grossman, Coastal Leasing, Inc. dated June 29, 1999.
33. Letter of support from Vice-Mayor, Anthony D. Galluccio dated June 29, 1999.
34. Letter of support from Timothy J. Toomey, Jr., City Councillor, dated June 29, 1999.

35. IPOP Analysis submitted by Susan E. Clippinger, Director 6/29/99.
36. Letter of opposition from David Hoicka, P.C. dated June 29, 1999.
37. Letter from Ann Strong dated June 29, 1999.
38. Letter of support from Inge Metcalf dated June 29, 1999.
39. Memorandum of Planning Board Member, Hugh Adams Russell, dated 6/30/99.
40. Memorandum of Forest City Development dated 7/13/99 in response to questions raised at 6/29/99 public hearing and to Hugh Adams Russell memorandum.
41. Memorandum of Barry Pell, P.E. dated 7/14/99 in response to Hugh Adams Russell memorandum.
42. Letter to Susan E. Clippinger from Forest City dated July 19, 1999 regarding visitor parking permit zones.
43. Letter of opposition from Bill Cunningham dated August 1, 1999.
44. Letter of opposition from Monica Raymond dated August 3, 1999.
45. Petition of support by Cambridge Residents for Forest City Phase IV executed by 50 residents.
46. Letter of support from Chris Connaire, undated.
47. Letter of support from Jacqueline Carroll, undated.
48. Letter of support from Mass Foundry Corporation, undated.
49. Letter of support from La Groceria Restaurant, undated.
50. Letter of support from Neighbors for a Better Community, undated.
51. Letter of support from International Restaurants of Central Square, undated.
52. Copy of visual presentation at public hearing submitted by Applicant.

Findings

After review of the application documents, testimony presented at the public hearing, and subsequent information provided by the Applicant, staff of the City of Cambridge and the general public, the Planning Board makes the following findings.

1. Conformance to the requirements of the Planning Overlay Special Permit, Section 11.500 of the Zoning Ordinance.

a. Submittal of Required Documents

All requirements of Section 11.511 have been met with the submittal of a complete application, including a certified traffic study and confirmation that additional special permits or variances will not be required.

b. Finding of no substantial adverse impact on city traffic.

On December 22, 1998, the Planning Board adopted *Criteria to Guide Project Evaluation* which establishes five traffic criteria to be considered in determining “substantial adverse impact on city traffic.”

The criteria include: (1) project vehicle trip generation, (2) traffic generated on residential streets, (3) effect on level of service at identified intersections, (4) length of traffic queues at identified intersections, and (5) nearby locations with a high incidence of accidents. Nine of the one hundred twenty-seven indicators directly related to Phase IV’s impacts exceed the thresholds enumerated by the Board.

In addition to the impacts generated by the project itself, six intersections through which traffic from this project will flow currently exceed the threshold for accidents established by the Board.

Language within the *Criteria to Guide Project Evaluation* allows the Planning Board to consider additional mitigation efforts and other efforts by the proponent to reduce adverse traffic impacts including, but not limited to, transportation demand management plans, roadway improvements and measures to reduce traffic on residential streets. The *Criteria to Guide Project Evaluation* also provides that the Planning Board will recognize written agreements between project proponents and the City dealing with transportation mitigation strategies.

University Park has existing agreements with the City dealing with transportation mitigation strategies and currently implements programs of traffic demand management within the project. University Park has also committed to fund substantial roadway improvements to reduce traffic on residential streets in Cambridgeport. University Park recently committed to fund an additional \$2 million to make the Cambridgeport Roadways Plan possible.

Taking into consideration the proposed traffic mitigation program and the existing written agreements with the City and the additional conditions contained in this Decision, the Board finds that the project will have no substantial adverse impact on city traffic with the implementation of the mitigation measures imposed by the Board as conditions of this Decision.

c. Conformance with Enumerated Growth Policies

The Planning Board further finds that the project is consistent with the growth policies enumerated in Section 11.500.

(1) Policy 13: Pace of development, maintenance of the tax base, adjustment to changing economic conditions, consistent with urban design plans, disruption of neighborhoods, overburden infrastructure.

University Park is the result of a comprehensive public planning process that considered the pace of the redevelopment, quality of design, traffic impacts, infrastructure impacts and open space, among the many issues and concerns addressed. The culmination of this process was the adoption of the Cambridgeport Revitalization Development District and the City's endorsement of the master plan for University Park, together with a series of mutual agreements that addressed the aforementioned issues.

The master plan for University Park and the Agreement for Design Guidelines were created to ensure quality in design as well as to ensure that the project would be consistent with the City's urban design and other physical development objectives. Each of the components of Phase IV of development has undergone design review by the Planning Board in compliance with the requirements of the Agreement for Design Guidelines.

The *Agreement for Traffic Mitigation* entered into by the City, MIT and Forest City represented a commitment on the part of a

developer to monitor and mitigate the potential impacts of traffic generated by a project. As part of the *Agreement for Traffic Mitigation*, the proponent committed to a comprehensive traffic demand management program and a cap on the maximum trips generated from the project in the evening peak hour of 1,700 two-way trips. In conjunction with the infrastructure improvements contained in the Cambridgeport Roadways Plan, and the reconstruction of Massachusetts Avenue and Lafayette Square, these measures work to ensure that the project will not have significant transportation impacts on the City's neighborhoods and residents.

Forest City, MIT and the City have also entered into a series of agreements by which University Park is responsible to fund all public utilities and roadway improvements within University Park and share with the City the cost of all public utilities and roadway improvements on the streets bordering University Park. A program for infrastructure improvements necessary for Phase IV has been developed and is being reviewed with the appropriate City officials.

(2) Policy 27: Affordable housing and neighborhood character.

University Park has incorporated a significant component of housing within its development program. As part of the University Park master plan, the proponent committed to construct a minimum of 400 units of housing, 150 units of which would be affordable. To date, 225 units of this 400 unit commitment have been constructed. 110 of these units, or 49%, are affordable. Phase II of the Auburn Court housing project at University Park is currently undergoing design review with the Planning Board and is scheduled to be completed for occupancy in late 2000 or early 2001. This project will include an additional 60 rental townhouse units targeted for low and moderate-income families; 45 of these 60 units will be affordable.

The *University Park Housing Plan* and the *Agreement for Design Guidelines* address concerns that the housing within University Park be reflective of the surrounding neighborhood in terms of income mix and design. The income requirements and unit sizes range from one to three bedrooms, allowing access to a wide range of income groups and families within University Park. Along the

edges of University Park abutting the established residential neighborhoods of Cambridgeport, the design of the existing housing helps to reweave this previous industrial site back into the neighborhood.

Phase IV of University Park proposes approximately 361 additional market rate units of rental housing, bringing the total number of housing units in University Park to 646. The Phase IV development also conforms to the design objectives regarding abutting properties with the addition of housing on the Pacific Street edge of University Park, providing the transition to the adjacent neighborhood and establishing a residential presence directly on both the University Park Common and the Pacific Street Park.

Upon completion of the current development program, 24 percent of all housing units within University Park will be affordable (a total of 155 units)

(3) Policy 39: Minimize impacts on abutting neighborhoods.

University Park was planned to minimize negative impacts on adjacent residential neighborhoods. The master plan, zoning regulations and Design Guidelines were established after a comprehensive community process. Land use patterns were planned so as to place small-scale residential development adjacent to existing neighborhoods and commercial buildings with the potential for greater height located closer to the larger commercial structures on Lansdowne Street.

Agreements with the City regarding traffic mitigation, infrastructure, housing, urban design and open space established commitments to ensure that the multi-phased development program would be implemented in a well-planned manner. These agreements established a framework for permitting this mixed-use project to proceed as envisioned in the master plan, with limitations that were specifically designed to minimize any impacts that might affect abutting residential neighborhoods.

(4) Policy 66: Open Space facilities.

Upon completion, University Park will feature approximately three acres of landscaped publicly beneficial open space in a series of parks and quadrangles. The centerpiece of the open space program is the recently completed 1.3 acre University Park Common. The University Park Common is designed to be a community gathering place for relaxing and for a variety of special events.

Phase IV of University Park will expand the open space amenities within the district through the creation of Landsdowne Quadrangle and Pacific Street Terrace. The Applicant is also proposing that a new publicly beneficial open space be created in conjunction with the residential project at the 91 Sidney Street site. This space will establish a direct, publicly accessible link between the University Park Common and the City's Pacific Street Park. Additionally, Auburn Park, scheduled for construction as part of the development of Phase II of the Auburn Court Housing component of University Park, will be programmed for active and safe play space for children. Furthermore, sidewalk improvements and landscaping along Sidney Street, Landsdowne Street and Pacific Street will reinforce the connections between all of these publicly beneficial open spaces and enhance the pedestrian links from the neighborhood to service amenities such as Star Market.

2. Conformance to the general criteria for the issuance of special permits contained in Section 10.40 of the Zoning Ordinance:

A special permit will normally be granted where specific provisions of the zoning ordinance are met, except when the particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause the granting of the special permit to be a detriment to the public interest because:

a. The requirements of the Ordinance cannot be met.

With the issuance of this special permit the requirements of the Ordinance are met.

b. Traffic generated or patterns of access and egress will cause congestion, hazard, or substantial change in established neighborhood character.

Section 11.500 of the Ordinance establishes a higher standard for traffic impact than is required by Section 10.40. As proposed, and with the mitigation measures set forth as conditions of this permit, no substantial change in neighborhood character will result nor will it result in congestion or hazard. Significant improvements to vehicular, bicycle and pedestrian circulation will be made.

c. The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance will be adversely affected by the nature of the proposed use.

As noted above, University Park was planned to minimize negative impacts on adjacent residential neighborhoods. In addition, the recent changes to the master plan to provide residential development along Pacific Street will blend in with the MIT proposed residential development south of Pacific Street.

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.

No nuisance or hazard will be created.

e. For other reasons, the proposed use would impair the integrity of the district or the adjoining district, or otherwise derogate from the intent and purpose of this Ordinance.

The proposed development is consistent with and does not impair the integrity of the Cambridgeport Revitalization Development District nor the adjoining residential districts, or otherwise derogate from the intent and purpose of the Zoning Ordinance.

Decision

Based on a review of the application documents, comments made at the public hearing and other comments received by the Board, and based on the above findings the Planning Board **GRANTS** the requested special permit subject to the following conditions and limitations.

1. All use, building construction, and site plan development shall be in approximate conformance with the plans and application documents submitted to the Planning Board, including any non construction actions and commitments

made in support of the project on and off the site, which documents are referenced above as submitted on April 15, 1999, except as they may be modified in response to the conditions and limitations set forth below by this Decision. The Community Development Department (CDD) shall certify such conformance for plans submitted to the Inspectional Services Department for a building permit prior to issuance of any building permit.

2. The project shall continue to be subject to design review in accordance with the provisions of the Cambridgeport Revitalization Development District and the Agreement for Design Guidelines.

3. The permittee shall continue to observe and comply with all outstanding agreements with the City, including without limitation, the Agreement for Design Guidelines, the Agreement for Traffic Mitigation, the Land Transfer Agreement, the Funding Agreement and the Housing Plan.

4. In order to ensure that this development over the long term continues to comply with the standards for the issuance of this Section 11.500 special permit, the following mitigation measures shall be required:

a. All conditions and requirements of the Parking and Transportation Demand Management (PTDM) Final Decision for the Phase IV Garage as authorized by Ordinance #1211 of the City of Cambridge are made a condition of this permit.

b. A building permit will not be issued for the 1175 space Phase IV Garage until at least one of the Phase IV buildings has been issued a building permit.

c. An occupancy permit for use of the Phase IV Garage shall not be issued until demand for parking has been increased by: (i) the elimination of existing surface parking within University Park, excluding parking accessory to the residential units at Auburn Court, and/or (ii) the completion of buildings that create new demand utilizing the following demand numbers for each Phase IV building:

100 Landsdowne Street: 226 spaces

91 Sidney Street: 135 spaces

35 Landsdowne Street: 375 spaces

88 Sidney Street: 240 spaces

65 Landsdowne Street: 175 spaces

The combined impact of (i) and (ii) above must create an increased demand of 746 spaces.

d. During the initial rent up of the Phase IV buildings, the permittee shall not commit to lease parking spaces to tenants (i) in excess of fifteen percent (15%) of the following parking space demand rates in any single commercial building within Phase IV, (ii) in excess of ten percent (10%) of said rates in any two of such commercial buildings and (iii) or at the demand rate for all three buildings:

35 Lansdowne Street (208,000 sf): 375 spaces
88 Sidney Street (133,000 sf): 240 spaces
65 Lansdowne Street (129,000 sf): 175 spaces

e. Prior to issuance of an occupancy permit for full use of the third commercial building in Phase IV, the permittee shall commit to eliminate all off street surface parking spaces within the project, excluding surface parking serving Auburn Court housing.

f. The permittee shall, in a form and manner approved by the CDD in consultation with the Traffic, Parking and Transportation Department ("TPTD"), annually monitor the modes of travel to work undertaken by employees, to determine consistency with the mode split goal contained in the Phase IV PTDM Plan. The survey instrument shall also be designed to solicit employee attitudes with regard to their travel modes and programs that might encourage use of other than single occupancy vehicle (SOV) trips. The permittee shall report all findings to the CDD in a timely manner.

The permittee shall one year after occupancy of the Phase IV Garage and thereafter at two year intervals, undertake driveway counts and parking utilization counts of the Phase IV Garage and report all findings to the CDD in a timely manner.

If the certificate of occupancy for the Phase IV Garage is issued between January 1 and June 30, the monitoring surveys and counts will take place between the months of September or October; if the certificate of occupancy is issued between July 1 and December 31, the monitoring surveys and counts will take place between the months of April and May.

Permittee shall conduct initial employees surveys of new Phase IV tenants to determine if there are additional TDM measures that would encourage

alternative mode use among the employees and report all findings to the CDD in a timely manner.

g. The permittee shall designate no less than ten (10) percent of the parking spaces in the Phase IV parking facility available to on-site employees for preferential parking for carpoolers and vanpoolers, in order to encourage ridesharing. These spaces shall be clearly signed and/or marked for ridesharers. Ridesharers may be required to register with their employer to receive a rideshare parking space permit to display on their vehicle. The use of these spaces shall be monitored periodically to ensure that they serve ridesharers only. If monitoring indicates under-utilization of these spaces, the number of spaces reserved for rideshare parking may be adjusted to better reflect actual usage. Such adjustment shall be permitted only with review and approval of the TPTD and CDD.

h. The permittee shall require in the lease with each new tenant of a Phase IV commercial building, that such tenant provide a 100% subsidy, or up to the maximum allowed under the federal tax code, of MBTA transit passes for any employee requesting one.

i. The permittee will work with CDD and TPTD to assist in the planning and development of on-street parking within University Park generally in accordance with the plan submitted by permittee on July 29, 1999, and at the appropriate time the permittee will, at its expense, construct the improvements necessary to implement such on-street parking plan.

j. The permittee, in cooperation with the Charles River Transportation Management Association ("CRTMA") and/or nearby development, shall study the feasibility of providing shuttle service connecting the project to the B, C and D branches of the MBTA Green Line. The study shall at a minimum identify demand and estimate costs for such a service. When the study is complete, the permittee and any partners must present the results to the CDD, along with a recommendation regarding the desirability of this service from a trip reduction and air quality perspective; the study shall be completed within one year after the issuance of an occupancy permit for the first building constructed under this permit, or such later time as may be determined by CDD in order to assure effective coordination with other projects required to undertake similar studies. The applicant is strongly encouraged to provide this service in cooperation with the CRTMA and/or other businesses if sufficient demand exists.

k. The permittee will continue to participate on the Cambridgeport Roadways Advisory Committee to implement the Cambridgeport Roadways Plan (1998) and will participate on the Memorial Drive Traffic Evaluation Team to determine if any further improvements are feasible at the intersections of Memorial Drive and Western Avenue and Memorial Drive and River Street.

l. When the total development of University Park reaches 1,750,000 sf (including all gross floor area devoted to residential and non residential uses) Forest City shall conduct employee surveys and vehicle counts consistent with the January 11, 1998 document *Agreement for Traffic Mitigation* for University Park.

m. The permittee shall make convenient parking available to residents of the two Phase IV residential buildings in garages adjacent to the residential buildings (i.e. Phase III garage with respect to 91 Sidney Street and Phase IV garage with respect to 100 Landsdowne Street).

5. If a building permit is issued for one of the six authorized Phase IV buildings within one year from the date of this permit (together with such additional time necessary to conclude any appeal hereof) commencement of construction on such building shall be deemed to constitute substantial use of this permit.

6. Unless otherwise indicated in this decision, any plan or survey instrument required to be approved by the CDD or the TPTD by any condition of this permit shall receive such approval before issuance of any building permit for construction authorized by this Decision by the Superintendent of Buildings, unless the department informs the Superintendent in writing that such approval is to be granted at a subsequent date.

7. So long as the permittee complies with the zoning requirements of the Cambridgeport Revitalization Development District and the requirements for design review therein and the *Agreement for Design Guidelines*, then flexibility in individual building design and size may be allowed by the Planning Board, provided the maximum gross floor area authorized by the permit for non residential and residential uses individually is not increased and the maximum number of parking spaces authorized is not increased.

Voting in the affirmative to grant the Special Permit were P. Dietrich, C. Mieth, H. Russell, A. Cohn, and F. Darwin, associate member appointed by the Chair to act in the place of a full member, constituting more than the two thirds of the members of the Board necessary to grant a special permit.

Respectfully Submitted,



Paul Dietrich, Chairman

A copy of this decision 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 August 31, 1999, by Elizabeth M. Peden
authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

Twenty (20) days have elapsed since the filing of this decision.

No appeal has been filed.

DATE:

City Clerk
City of Cambridge