

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB#157

Address: 229-243 Vassar Street

Zoning: Special District 6 District

Owners/Applicants: Massachusetts Institute of Technology, 77
Massachusetts Avenue, Cambridge, Mass. 02139

Application Date: August 16, 1999

Public Hearing: Initial public hearing held on October 19, 1999; second
public hearing held December 7, 1999

Planning Board Decision: December 21, 1999

Date of Filing Decision: January 26, 2000

Application: Planning Overlay Special Permit (Section 11.500) for 185,050
square feet of dormitory rooms (350 beds) and accessory facilities..

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 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:

Liza M. Paden

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

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Documents Submitted

Special Permit Application submitted August 10, 1999, certified complete on August 16, 1999, containing the project description, supporting statement, dimensional form, supporting statement IPOP special permit, certification of traffic study by S. Clippinger, site photos.

"MIT Undergraduate Residence, Transportation Impact Study, Cambridge Massachusetts", submitted by the Massachusetts Institute of Technology; prepared by Rizzo Associates, Inc., dated July 2, 1999, certified complete on July 16, 1999.

"MIT Undergraduate Residence, Transportation Impact Study, Cambridge Massachusetts, Appendices", submitted by the Massachusetts Institute of Technology, prepared by Rizzo Associates, Inc., dated July 2, 1999.

Plans entitled "MIT Residence 2001", Steven Holl, Architects, various scales, dated July 30, 1999, twelve sheets: context plan, survey, A1.2, A3.2a, A1.1a, A1.1b, A2.1a, A2.2, A2.3, A2.4A3.2 and A4.1.

Other Documents Submitted

Memo to the Planning Board from S. Clippinger, dated October 12, 1999, re: conclusions on traffic impact.

Letter to Liza Paden, from Maureen B. Hickey, paralegal, dated November 9, 1999, re: meeting transcription.

Letter to Mayor Duehay from John Donovan dated December 2, 1999, with attachments.

Document entitled "Opposition of 219 Vassar Street to Special Permit Application", by Sullivan and Worcester, LLP, Kathleen McCabe, Esquire, and Kevin P. Crane, Esquire, undated, received by the Board on December 7, 1999.

Letter to Thomas J. Phillips from Rodney C. Emery dated December 7, 1999 re: 229 Vassar Street.

Letter to Florrie Darwin from Lawrence S. Bacow dated December 17, 1999 re: 229 Vassar Street, with attachments: Chronology of Communications, letter from Allan Bufferd, and shadow studies.

Letter to L. Paden from Lindsay Wilson transmitting "Supplement to Opposition of 219 Vassar Street to Special Permit Application", dated December 17, 1999.

Letter to Florrie Darwin from Thomas J. Phillips, Sullivan and Worcester, dated December 21, 1999 with attachments: Letter from Ruth Kirchwey, letter from Alan Roth.

Findings

After review of the application documents and other documents submitted to the Board, testimony taken at the public hearing, review and consideration of the Planning Overlay Special Permit and the general special permit criteria, the 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.

b. Finding of no substantial adverse impact on city traffic

The Planning Board identified five criteria that would assist in determining whether a project should be found to cause substantial adverse traffic impact: (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.

With respect to criteria (1) through (4), which are indicators of potentiality adverse impacts related directly to the project, the project falls below the established thresholds as established by the Board.

With respect to criterion (5), which is an indicator of existing conditions unrelated to the project, six of seven studied intersections have been identified as having unfavorable accident histories. With the implementation of improvements along Massachusetts Avenue as planned by the City, with the improvements to the Galileo Way/Main Street/Vassar Street intersection with the demolition of the existing parking garage to make way for the previously approved Stata Center (PB#158), and with possible improvements by the MDC along Memorial Drive, all with the cooperation of the permittee, the identified failures will be satisfactorily addressed.

The Board concludes that the project will have no substantial adverse impact on city traffic with the implementation of mitigation measures imposed by the Board as conditions of this Decision and with the redevelopment of the project site as indicated on the approved plans.

c. Conformance with Enumerated Growth Policies

The Planning Board 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 conditions, consistent with urban design plans, disruption of neighborhoods, overburden infrastructure.

The Board finds that the project is consistent with the urban design and other goals of the city as set forth in the Growth Policy document. The large institutions in particular are encouraged in a number of institutional policies set out in ***Toward a Sustainable Future: Cambridge Growth Policy Document*** to concentrate future development within existing core campus areas, to reduce the impact of new institutional development on the city's tax levy by utilizing already tax exempt properties more efficiently, and to provide housing for students, faculty and staff on campus. This proposal meets all those objectives. No further property will be taken off the tax rolls, students now forced to seek housing in the private market will be able to live on campus, and the site is located within the core MIT campus near other institutional housing.

The Special District 6, which regulates development at this site, was adopted by the City as part of a larger rezoning of the lower Cambridgeport Industrial District previously designated Industry B. This new district was intended to accommodate institutional uses as an extension of the Massachusetts Institute of Technology campus, which is located in the abutting Residence C-3 zoning district, while limiting the scale of development to minimize any adverse visual impact on the residential neighborhood in Cambridgeport. Therefore, all industrial, office and retail activities were eliminated as permitted uses, the total amount of development permitted was reduced by twenty-five percent (from an FAR of 4.0 to 3.0), and the as-of-right height of buildings was reduced from no height limit at the time (but now 120 feet) to 100 feet. In recognition of the fact that lots along Vassar Street are very narrow, the Special District 6 does not impose yard requirements, which was also true of the previous Industry B district designation.

This dormitory project is fully consistent with the objectives of the Special District 6 as it was created. The building has been set back fifty feet from the eastern property line of the site, where the Institute-owned parcel abuts a privately held parcel. That setback area will be improved as an outdoor open space for residents of the dormitory, but it will also serve to provide light and air to the adjacent building that is nearly on the shared property line. In a district where there

can be no reasonable expectation that buildings will have any setbacks from property lines, this aspect of the site plan is a reasonable accommodation to the concerns of the abutting property owner.

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

Specialized housing in the form of dormitories will be constructed. While such housing will not be available to the general public, or to low income households in the general population specifically, it will serve the needs of students and affiliates who would otherwise be forced to compete, often very successfully, with low and moderate income households for accommodations in the private housing market.

Several policies in *Toward a Sustainable Future: Cambridge Growth Policy Document*, including specifically Policy #52, encourage the institutions in the city to house their students on campus and encourage that others in the institutional community, including staff and faculty, also be provided with housing. This proposal implements that policy objective.

The project is well removed from the low scaled residential neighborhood of Cambridgeport. After review of images of the likely visual impact of the project from a number of vantage points close to the Cambridgeport neighborhood, the Board finds that the project will not be unreasonably intrusive visually from residences at Sidney Street and points further into the neighborhood. While in its current institutional and commercial context the building will be particularly prominent as a result of its height and bulk, it will become less so as other sites along Vassar Street and in the Special District 8, across the railroad right of way in the former Cambridgeport Industrial District, are redeveloped to their permitted densities. As designed, the building is consistent with the intent of the Special District 6 and the institutional environment that is expected to develop in the future around it.

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

Section 11.500 is specifically designed to address the principal impact development usually has on nearby residential neighborhoods: significant adverse traffic impacts that can radiate widely from any given site into nearby neighborhoods and residential streets. This project will not have significant impact with regard to additional vehicular traffic as it serves a clientele that will have few cars and whose trips at peak traffic periods are focused toward academic facilities near at hand and reachable by walking or campus shuttle. While perhaps not completely quantifiable, the project will house persons who would otherwise be widely dispersed in city neighborhoods and therefore more likely to be dependent on automobiles to access campus facilities.

As indicated in Paragraph (2) above the project is physically well removed from the residential neighborhood and it has been designed to minimize any negative visual impact of the structure on that neighborhood. View corridors from Cambridgeport have been consciously preserved, the quality of the design is maintained on all sides, and portions of the building have been lowered to below the maximum height to further reduce its impact.

(4) Policy 66: Open space facilities

The site is currently use as a parking lot. Significant landscaping will be provided that will enhance the public edges of the project. The recreational needs of the occupants of the building will be served by recreational fields and other open space directly abutting the site across Vassar Street.

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 this Ordinance are met, except where the particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting such permit to be to the detriment of the public interest because of the following.

a. The requirements of the Ordinance cannot be met.

With the issuance of this special permit the requirements of the Ordinance are met. While a final determination will be made by the Superintendent of Buildings at the time a building permit is sought, the Board finds no indication that the proposal contains any use other than the dormitory use and accessory activities presented in the application and permitted in Special District 6.

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 impact on neighborhood character will result, nor will the project cause congestion or hazard. While considerable testimony was received by the Planning Board with regard to future plans to significantly alter the layout of Vassar Street, the Board finds that his project is not dependent upon those changes to succeed with the implementation of all conditions of this decision.

Additional testimony was received with regard to the adequacy of parking for the project. While a final determination will be made by the Superintendent of Building at the time a building permit is sought, the Planning Board finds no reason to doubt that the parking requirement as presented by the petitioner is accurate, but that in any case sufficient parking is available in the Institute's inventory of existing parking to meet the requirements of the zoning ordinance.

Therefore the Board finds that no nuisance or hazard will be created or substantial change in the character of the neighborhood caused by the traffic generated by this project. The Board further finds that the assumptions used by the petitioner in generating the analysis of traffic to be caused by this project were reasonable and likely to be very conservative (and thus overestimate the traffic impacts of this project on city streets).

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

Testimony was received by the Planning Board with regard to the impacts the proposed use and the building form will have on adjacent uses and within the residential neighborhood, several blocks and perhaps 1,000 feet away. The zoning district within which this project will be built is intended to accommodate high density institutional uses to serve the public policy objective of concentrating such activity at existing campus locations and discouraging expansion of such uses into valuable commercial areas or residential neighborhoods. While it is a high density institutional zoning district now, it replaced a more dense industrial district that allowed a wide range of potentially obnoxious uses, required no yards for any use, and, at the time had no height limit. This project is consistent with the intent of the Special District 6. It is in fact designed so as to have lesser impacts than would be permitted under the provisions of Special District 6 for this project or any other project in the district: the building is set back from the east property line fifty feet (where none is required) and its height is at or below that permitted as of right. While adjacent uses are unavoidably put in shadow, the extent of that shadowing is for limited periods of time and not more than can reasonably be anticipated by any property owner in a district that has the regulatory characteristics of Special District 6. The building provides ample light and air to the adjacent structure that is itself on the side property line; a new structure only three stories high built on the side property line, which is permitted in Special District 6, would have significantly greater negative impact on the adjacent property.

Therefore the Board finds that this project continued operation of adjacent uses or future development will not be negatively impacted.

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 Special District 6 and the policy objectives that district are meant to serve.

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 Planning Overlay Special Permit subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in general conformance with the plans and application documents submitted to the Planning Board as referenced above and dated July 30, 1999. Appendix I summarizes the dimensional features of the project as approved.
2. The project shall continue to undergo design review with the staff of the Community Development Department. The Planning Board shall review and approve the final plans submitted to the Superintendent of Buildings for a building permit at a regular meeting of the Board, before issuance of a building permit. In developing the final architectural plans the permittee shall pay particular attention to the impact that the exterior cladding material might have at some distance from the site in the direction of the residential Cambridgeport neighborhood. In undertaking a review of the building, the Community Development Department, and the Planning Board ultimately, shall be satisfied with the final exterior material chosen. While the fundamental elements of the building's design and site layout as set forth in the referenced application plans are acceptable to the Board and approved by this decision, reasonable modifications that the permittee may chose to make in response to reasonable neighborhood concerns shall be permitted within the scope of this decision.
3. Before issuance of a Certificate of Occupancy by the Superintendent of Buildings the permittee shall do one of the following:
 - (a). Install bicycle facility improvements to Vassar Street along the portion of the street addressed in the CASPAR/MIT/City of Cambridge Agreement of 1993, based on plans developed by the permittee and approved by the City of Cambridge; or

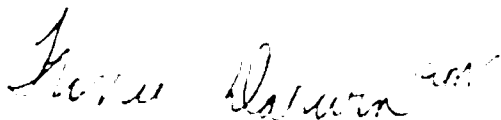
(b) Design a plan to city standards to install pavement markings to demarcate two bicycle travel lanes and realigned parking on Vassar Street, and make a payment to the City of Cambridge in an amount determined by the Traffic, Parking and Transportation Department sufficient to install according to that plan, as a temporary measure prior to the reconstruction anticipated in Paragraph (a) above.

4. The permittee shall adopt an increase in the amount of transit subsidies currently granted to the MIT community (now \$10.00 per month). The permittee shall make a report to the City of Cambridge within one year after the filing of this Decision with the City Clerk describing the actions taken with regard to the transit subsidy and the rationale for the amount of subsidy chosen and any long range plans with regard to the subsidy.

5. There shall be no net increase in the quantity of accessory parking serving the MIT campus as a consequence of the construction of the approved dormitory. It is understood that, of the 125 parking spaces currently on the dormitory lot, fifty-five (55) will be relocated to other lots along Vassar Street and that 70 spaces will be relocated elsewhere on MIT property. Those spaces relocated elsewhere on MIT property shall serve only residents on campus and shall not serve commuters from off the campus coming to the campus.

Voting in the affirmative to **GRANT** the Planning Overlay Special Permit were K. Benjamin and P. Winters, associate members appointed by the Chair to act in the place of an absent member, T. Anninger, H. Russell, F. Darwin, and B. Shaw, constituting more than the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,



Florrie Darwin, Interim Chair

A copy of this decision #157 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 January 26, 2000, by Elizabeth M. Paden, 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 the decision.
No appeal has been filed.

DATE:
City Clerk
City of Cambridge

APPENDIX - I Dimensional Form

PB#157 - MIT Undergraduate Residence 229-243 Vassar Street

	Allowed/Required ¹	Existing	Proposed	Inclusionary	Granted
FAR	3.0	0	3.0		3.0
Floor Area	185,050 S.F.	0	185,050 S.F.		185,050 S.F.
Max Height	100 ft	0	100 feet		100 feet
Max Angle above cornice line	N/A	N/A	N/A		N/A
Min Lot Size	5,000 S.F.	61,683 S.F.	61,683 S.F.		61,683 S.F.
Min Lot area/du	300 S.F.	N/A	N/A		N/A
Max # du	N/A	N/A	N/A		N/A
Min Lot Width	50 feet	90 feet	90 feet		90 feet
Min Yard Setbacks	None	N/A	N/A		N/A
Front					
Side Left					
Side Right					
Rear					
Ratio Usuable O.S.	10% (6,168 S.F.)	N/A	N/A(19,557 S.F.)		N/A(19,557 S.F.)
Off Street Parking					
Min #	32	156	32+		32+
Max #	48	156	32+		32+
Handicapped	2	8	2+		2+
Bicycle spaces	3	0	~ 280		~ 280
Loading Bays	2	0	2		2

1. 156 spaces will be relocated to garage and adjacent lot.