

NOTICE OF DECISION

Case No: PB#158, Major Amendment #1

Address: 10-40 Vassar Street

Zoning: Industry B District

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

Application Date: September 15, 1999

Public Hearing: December 7, 1999

Planning Board Decision: December 7, 1999

Date of Filing Decision: January 27, 2000

Date of Major Amendment #1 Application: February 22, 2002

Date of Public Hearing Major Amendment #1: March 19, 2002, continued
successively with permission of the applicant to September 3, 2002

Date of Major Amendment #1 Decision: September 3, 2002

Date of Filing Major Amendment #1 Decision: October 10, 2002

Application: Amendment of the IPOP Special Permit to widen the driveway as
permitted in Section 6.43.5 of the Zoning Ordinance.

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:

For further information concerning this decision, please call Liza Paden at 617-349-4647, TTY: 617-349-4621, email lpaden@ci.cambridge.ma.us.

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Documents Submitted

1. Special Permit Major Amendment Application certified complete and submitted to the City Clerk's Office, on February 22, 2002, containing the amendment description, supporting statement, and Special Permit #158
2. Letter to Susan E. Clippinger, Director of Traffic, Parking and Transportation, from Richard S. Bryant, PE, Vice President, Associate, Rizzo Associates, dated 1/4/02.
3. Figures 1 and 2, existing conditions and proposed conditions.
4. Memo to Liza Paden, CDD, from Jason Schrieber, Traffic, Parking and Transportation, dated 3/19/02.
5. Letter to the Planning Board from Stephen H. Kaiser, 191 Hamilton Street, dated 3/31/02, objecting to the major amendment.
6. Letter to Tom Anninger, Chair of the Planning Board, from Kelley Brown, dated 4/30/02, extending the date for the public hearing.
7. Memo to Liza Paden, from Jason Schrieber, dated 5/16/02, with the agreement draft between MIT and the City.

8. Letter to Liza Paden, CDD, from Kelley Brown, MIT, dated 5/24/02, extending the date for the public hearing.
9. Letter to Liza Paden, CDD, from Kelley Brown, MIT, dated 7/31/02, extending the date for the public hearing.
10. Memo to Les Barber, from Jason Schrieber, dated 8/28/02, with the agreement with MIT regarding the curb cut.

Findings

After review of the application documents and other documents submitted to the Board, testimony taken at the public hearing, and review and consideration of the Major Amendment to 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

The requirements of Section 11.511 were met with the original submission and with the documentation provided for this Major Amendment, including a proposed set of conditions recommended by the Cambridge Traffic, Parking and Transportation Department dated 8/28/02.

- b. finding of no substantial adverse impact on city traffic

The proposed changes relate to the width of the access drive. The location of the access drive and capacity of the parking facility remains the same.

- c. conformance with Enumerated Growth Policies

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 previous findings in Decision #158 filed on 1/27/00 have not been affected by the Major Amendment.

Policy 27: affordable housing and neighborhood character

This major amendment does not propose a change to the use of the building from institutional research and office. The abutting uses are institutional.

Policy 39: minimize impacts on abutting neighborhoods

The site is almost 1,000 feet away from the nearest low density residential neighborhood.

Policy 66: open space facilities

There are no changes to the open space as proposed in the original special permit filed on January 27, 2000.

2. Conformance to required determination set forth in Section 6.43.5 (b)

The Planning Board determines that an additional exit lane from the garage, which the widened curb cut would allow, may be needed to adequately accommodate exiting cars at peak evening hours while allowing for the provision of an extra-wide lane to accommodate the turning movements of entering service vehicles. With the conditions imposed in the granting of the requested permit, the Board determines that the additional curb width will have positive traffic management benefits without sacrificing pedestrian safety.

3. 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 Major Amendment the requirements of the Ordinance are met. The building, access drives and uses meet the regulations and standards of the ordinance.

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

The widening of the access drive will not change the use of the garage. The changes to the entry will permit reduced waiting times and queue lengths within in the garage at peak exiting times. Adequate measures will be taken to ensure the safety of pedestrians crossing in front of the garage entrance.

- 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 uses.

The development continues to be consistent with the adjacent educational uses. The widening of the access will not adversely affect adjacent development or future development patterns.

- 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. Pedestrian safety concerns will be adequately addressed.

- 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.

There are no use changes proposed in this Major Amendment application so that the project as a whole is fully consistent with the intent and purpose of the district within which it is located.

Decision

Based on a review of the major amendment 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 Major Amendment to the original Planning Overlay Special Permit subject to the following conditions and limitations:

1. As required in the granting of the original permit, 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 August 9, 1999 and as revised November 23, 1999, except as they are modified by this Major Amendment. Appendix I summarizes the dimensional features of the project as approved.

2. As required in the granting of the original permit, the project shall continue to undergo design review with the staff of the Community Development Department (CDD).
3. As required in the conditions of the original permit, the permittee shall bear the full cost of the improvements at the Galileo Way/Main Street/Vassar Street intersection in order to improve pedestrian and vehicle safety, subject to any modifications approved in this Decision.
4. The permittee shall continue to implement the Parking and Transportation Demand Management Program elements outlined in Section 4.3 of the original project review special permit application.
5. The permittee shall construct and operate the parking garage access in accordance with the plans submitted and the provisions contained in the attachment to the Memo dated August 28, 2002 from Jason Schrieber, City of Cambridge Traffic, Parking and Transportation Department, to Les Barber, which attachment is entitled *Condition for Special Permit (PB #158) regarding the Stata Driveway*. The attachment is attached to this Decision.
6. The permittee shall monitor in a manner approved by the Traffic, Parking and Transportation Department the operation of the parking garage and the use of the widened access, for a period of two years beginning no later than March 31, 2003. At the end of those two years of use, the permittee shall submit to the Planning Board a monitoring report, specifying the number of times the additional egress lane has been opened and used and including any other relevant details of the operation of the garage and its impact on the abutting sidewalk and street. If, at the end of these two years and after consultation with City staff and the permittee, the Planning Board finds that the information provided in the monitoring report does not support the need for the additional driveway width, or that the operation of the additional exit lane constitutes a significant hazard to pedestrians on the public sidewalk, the Planning Board may require modification of the design or operation of the driveway entrance including if appropriate the elimination of any driveway width in excess of thirty feet, or it may extend the effective term of the special permit as appropriate.

Voting in the affirmative to GRANT the Special Permit were K. Benjamin, associate member appointed by the Chair to act in the place of an absent member, T. Anninger, H. Russell, W. Tibbs, F. Darwin, L. Brown, B. Shaw, and K. Benjamin Associate Member, appointed to replace an

absent Planning Board member, constituting more than the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,

Thomas Anninger, Chair

A copy of this major amendment decision #158 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 October 10, 2002, 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