



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

## NOTICE OF DECISION

Case No: PB#163

Address: 40 Landsdowne Street

Zoning: Cambridgeport Revitalization Development District

Owners/Applicants: Forest City Enterprises

Application Date: June 29, 2000

Public Hearing: August 8, 2000

Planning Board Decision: August 8, 2000

Date of Filing Decision: September 27, 2000

Application: Planning Overlay Special Permit (Section 11.500) for approximately 232,000 gross square feet of office, research and development.

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.

A handwritten signature in cursive script that reads "Elizabeth M. Paden".

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](mailto:lpaden@ci.cambridge.ma.us).

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**Documents Submitted**

1. Special Permit Application certified complete and submitted to the City Clerk's Office on June 29, 2000, containing the narrative description, summary of IPOP transportation study, Cambridgeport Roadway Improvements, Current Land Use, Photographs of current conditions, site plan and building details, quantitative data, zoning violations, and certificate of ownership.
2. Conformance of the Project with the City of Cambridge Growth Policy Document "Towards a Sustainable Future."
3. Letter to the Planning Board from Councilor Marjorie Decker, dated 8/8/00 supporting the application.
4. Letter to the Planning Board from Mayor Anthony Galluccio, dated 8/8/00 supporting the application.

**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 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. The twenty-one days having passed for certification of the traffic study, the study was accepted as part of the application.

**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.

Two of the one hundred and forty-one (141) indicators directly related to 40 Landsdowne Street 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 allow 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 provide 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.

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 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.**

University Park is the result of a comprehensive public planning process that included input from the Planning Board, Community Development, City Council and neighborhood residents. This planning process 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 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, which capped the maximum trips generated from the project in the evening peak hour at 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 site related public utilities and roadway improvements within University Park and share with the City the cost of all site related 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 master plan, the proponent is 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 rated as affordable. Phase II of the Auburn Court housing project at University Park is currently under construction and is scheduled for occupancy this fall. 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 units will range in size from one to three bedrooms.

Phase IV of University Park includes approximately 360 additional market rate units of rental housing, bringing the total number of housing units in University Park to 645.

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 Landsdowne 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 and minimally intrusive 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.

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 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 Planning Overlay Permit 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 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. All health, safety, and noise standards will be observed.

**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 based on the above findings, the Planning Board **GRANTS** the requested Planning Overlay Special Permit subject to the following conditions and limitations:

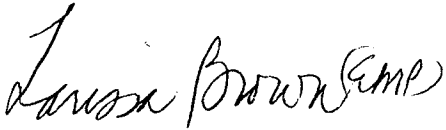
1. All use, building construction, and site plan development shall be in general conformance with the plans and application documents submitted to the Planning Board as referenced above and dated June 29, 2000.
2. Appendix I summarizes the dimensional features of the Project as approved.
3. The CDD shall certify to the Inspectional Services Department that all conditions of this permit have been met before issuance of the building permit for this building.
4. 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.
5. 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 and the Housing Plan.
6. 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 are made a condition of this permit.



- b. The permittee shall require in the lease with each new tenant of the 40 Landsdowne Street project utilizing the Phase IV University Park Garage that such tenant provide a 100% subsidy, or up to the maximum allowed under the federal tax code, for MBTA transit passes of any employee requesting one.
- c. The permittee, in cooperation with the Charles River Transportation Management Association (CRTMA), will financially support shuttle service to the North Station commuter rail.
- d. To the extent that they are not encompassed by the requirements of Paragraphs a-c above, all requirements of Condition #4 of Special Permit #152 shall be conditions of this permit.
7. 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.
8. So long as the permittee complies with the zoning requirements of Cambridgeport Revitalization Development District and the requirements for design review therein and in the Agreement for Design Guidelines, then flexibility in specific building design and size is allowed hereby provided that the total gross floor area of the 40 Landsdowne project is not increased above the authorized 232,000 gross floor area.
9. The 40 Landsdowne Street project is being developed by the permittee for Millennium Pharmaceuticals, Inc. ("Millennium"), the current tenant in University Park at 75 and 45 Sidney Street. 40 Landsdowne Street will be one of two additional buildings being developed for Millennium in the University Park phased build-out, the first of which is 35 Landsdowne Street (Phase IV, IPOP Special Permit #152) and the second of which is 40 Landsdowne Street. So long as construction on 40 Landsdowne Street commences prior to completion of 35 Landsdowne Street and no later than one year from the date of this permit, construction of the phased build-out of these two buildings will be deemed to have commenced as of the construction commencement of 35 Landsdowne Street.

Voting in the affirmative to GRANT the Special Permit were T. Anninger, B. Shaw, H. Russell, W. Tibbs, and K. Benjamin, associate members appointed by the Chair to act in the place of an absent members, constituting the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,



Larissa Brown, Chair

A copy of this decision #163 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 September 27, 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

	<b>Allowed/Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Granted</b>
<b>FAR</b>	N/A	vacant	N/A	N/A
<b>Floor Area</b>			202,000 SF	202,000 SF
<b>Max Height</b>	140 feet		140 feet	140 feet
<b>Max Angle above cornice line</b>	N/A		0	0
<b>Min Lot Size</b>	N/A		N/A	N/A
<b>Min Lot area/du</b>	N/A		N/A	N/A
<b>Max # du</b>	N/A		N/A	N/A
<b>Min Lot Width</b>	N/A		N/A	N/A
<b>Min Yard Setbacks</b>				
<b>Front</b>	N/A		Landsdowne St 12 feet	Landsdowne St 12 feet
<b>Side Left</b>	N/A		N/A	N/A
<b>Side Right</b>	N/A		N/A	N/A
<b>Rear</b>	N/A		N/A	N/A
<b>Ratio Usuable O.S.</b>	N/A		N/A	N/A
<b>Off Street Parking</b>				
<b>Min #</b>	N/A		202	202
<b>Max #</b>	N/A		303	303
<b>Handicapped</b>	N/A		N/A	N/A
<b>Bicycle spaces</b>	N/A		N/A	N/A
<b>Loading Bays</b>	N/A		3	3