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Consent Communication #8
of Jnauary 10, 2000

CITY OF CAMBRIDGE PLANNING BOARD

PB #156

Massachusetts Institute of Technology
Planning Overlay Special Permit Application for

Undergraduate Residence
229-243 Vassar Street
Cambridge, MA

OPPOSITION OF 219 VASSAR STREET TO SPECIAL PERMIT APPLICATION

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APPENDIX

OPPOSITION OF 219 VASSAR STREET TO SPECIAL PERMIT APPLICATION

A. Introduction.

Prof. John J. Donovan ("Prof. Donovan") opposes the application of the Massachusetts Institute of Technology ("MIT") for a special permit to construct a ten (10) story multi-use building immediately adjacent to Prof. Donovan's building at 219 Vassar Street. The MIT building, as now proposed, will have an adverse impact on 219 Vassar Street. It will impair the economic value of 219 Vassar Street by increasing and creating further unmitigated traffic and parking congestion in the business and residential neighborhoods in the area by blocking sunlight from the southern end of 219 Vassar Street and by unreasonably disrupting the daily activities of the city's business and residential neighborhoods. MIT has not addressed these issues in its application. In fact, MIT has never engaged Prof. Donovan or anyone else on behalf of 219 Vassar Street in any meaningful discussion of its plans for the new MIT building, even though 219 Vassar Street is the only direct abutter to MIT's proposed building.

The 219 Vassar Street building is three (3) stories tall. MIT proposes to build a ten (10) story, one hundred (100) foot high dormitory, residence and retail and institutional use restaurant facility with its north wall rising just fifty (50) feet to the south of 219 Vassar Street. The proposed MIT building and 219 Vassar Street are both in Special District 6.

The building at 219 Vassar Street is owned by a trust that is controlled by the family of Prof. Donovan. The trust leased 219 Vassar Street from 1980 to 1993, then purchased it in 1993. During that time, the building has served as the headquarters for various business enterprises of Prof. Donovan and his affiliates. Professor Donovan is a retired, tenured Professor from MIT's Sloan School of Management. He has been a respected member of the Cambridge business community for over two decades.

Cambridge Executive Enterprises, Inc. ("CEE") is a current occupant at 219 Vassar Street. CEE conducts strategic leadership and technology seminar programs presented by Prof. Donovan for senior executives. Over 4,000 persons attend its seminars annually. CEE's facilities at 219 Vassar Street include a large modern lecture hall with state of the art audio/visual equipment for its seminars. The CEE executive programs bring to Cambridge senior level executives from all over the world. CEE is, in effect, an ambassador for Cambridge to the international business community. These seminars employ twenty-five (25) people.

CEE and Prof. Donovan have been incubators of private business enterprises that are an important, vital part of the Cambridge business community, including Cambridge Technology Partners ("CTP"), i-Cube (now merged with Razorfish), and C-bridge Internet Solutions, Inc. (which expects to conclude its IPO imminently). These enterprises have generated thousands of jobs in Cambridge and elsewhere, produced significant local tax revenues, created billions in shareholder value, and pumped millions of dollars into local businesses. CEE's executive programs alone are a boon for the local hospitality industry by providing a perpetual annual demand for thousands of weekday hotel rooms and by injecting substantial revenues into the city's catering and food establishments.

These enterprises' effects on local employment are astounding. CTP recently moved into its own building in Kendall Square in which it employs about 1,000 persons. Razorfish employs 400 or so persons in the area. Another local employer with its roots at 219 Vassar Street is Sapient. C-Bridge, which is still located at 219 Vassar Street employs 125 persons, including 30 Cambridge residents.

Prof. Donovan's 219 Vassar Street business incubator has consistently fostered the type of business environment that enhances Cambridge's reputation internationally and provides jobs to Cambridge residents and MIT graduates.

B. MIT's Exclusion of 219 Vassar Street from the Planning Process.

MIT introduced its application to the Planning Board with the representation that, "We talked to abutters." (Lawrence Bacole, 10/19/99 Hearing Transcript, p. 131). MIT's representation could only have left the impression that it had talked with its closest abutter, Prof. Donovan, and that Prof. Donovan was not concerned about MIT's proposed building. The fact is that MIT did not talk to Prof. Donovan, or to anyone else representing the proposed building's immediate abutter. The Board is already aware that MIT did not insure that notice of the proceeding went to Prof. Donovan and that MIT's application had to be re-noticed.

Once he became aware of the application after the initial hearing, Prof. Donovan asked MIT for information about the project. MIT representatives said at the last Planning Board meeting on November 7, 1999, at which the determination was made to re-notice the hearing, that they would be willing to meet in order to be good neighbors. MIT has not followed through, however. Rather, MIT appears to have concluded without talking to Prof. Donovan that the new MIT building, as now proposed, should not concern 219 Vassar Street, its most affected abutter.

In an attempt to gather information and bring about a meeting, Prof. Donovan has written to MIT on the following four occasions since the November 7, 1999 Planning Board meeting: (1) a November 10 letter from Prof. Donovan's counsel to MIT's Robert Simha, (2) a November 23 letter from Prof. Donovan's counsel to Mr. Simha, (3) a November 30 letter from Prof. Donovan's counsel to MIT's counsel, and (4) a December 2 letter from Prof. Donovan to Cambridge's mayor, which was copied to Mr. Simha). MIT's only response came via two brief non-substantive conversations on Monday, December 6 and Tuesday, December 7 between Prof.

Donovan and MIT's Alan Buffard. In any event, MIT has neither provided the requested information nor agreed to meet.

This late and superficial treatment of Prof. Donovan reflects MIT's disposition not to meet with 219 Vassar Street representatives earlier and bespeaks fundamental flaws and material weaknesses in MIT's application, a cavalier attitude toward abutters and the community, and an inappropriately proprietary interest in that part of Vassar Street. The fact is that MIT has refused to take into consideration the effect of its proposed building on its primary abutter's interests. Thus, Prof. Donovan is forced to review a very sophisticated traffic/parking/architectural project in just a few weeks without opportunity to communicate with MIT or the attendees of the first hearing.

C. The Detrimental Impact of the MIT Building, as Now Proposed, on 219 Vassar Street.

It is clear that MIT's application and supporting materials do not address Prof. Donovan's legitimate and fundamental concerns. MIT's plans for this area, as demonstrated by the proposed building, will make it impossible for vibrant and successful private businesses, such as CEE and C-Bridge, to continue to do business profitably on Vassar Street.

The five (5) principal areas that MIT has failed to address that affect Prof. Donovan are described below, in no particular order of priority:

- MIT must address the parking congestion that will be created in the Vassar Street area by the addition of vehicles owned and/or operated by the hundreds of persons who will be brought into the area every day by the residents of the proposed building.[1]

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[1] These persons include:

(1) 350 undergraduate student dormitory residents and their guests,

(2) the approximately thirty-four (34) other residents in seventeen (17) dwelling units for graduate students, house masters and visiting professors and their guests,

(3) the food service and facility maintenance persons to be employed in the proposed building, and

(4) innumerable persons whom MIT intends to attract to the "enlivened" street side café and restaurant to be located in the proposed building.

- MIT must address the parking and traffic congestion that will be created in the Vassar Street area by the vehicles of persons who will use the retail and institutional use restaurant/café facilities and the lack of sufficient loading bays.

- MIT must address the parking congestion that will be created in the Vassar Street area by the elimination of 156 surface parking spaces and the failure to provide those spaces in the proposed building.

- MIT must address the issues created by size and the closeness of the proposed building to 219 Vassar Street. MIT has not performed routine studies of the shadows that the ten (10) story proposed building will throw on the southerly exposure of the three (3) story 219 Vassar Street building fifty (50) feet to the north of the proposed MIT building.

- The MIT application and its supporting materials are not thorough, are incomplete and inaccurate in material respects and do not meet the requirements of the Zoning Ordinance for parking, loading bay and other purposes.

D. MIT Must Supplement Its Application for the Planning Board for Further Consideration.

Prof. Donovan asks the Planning Board to deny MIT's Application at this stage. Alternatively, the Planning Board should require MIT to supplement the application to address the following, which are mandated by the IPOP regulations and Growth Policies, the Zoning Ordinance, and the general requirements for a special permit under Zoning Ordinance Section 10.43:

- The MIT building must move 150 feet farther to the south on Vassar Street so that the separation between the building and the southerly lot line of 219 Vassar Street is at least 200 feet and so that 219 Vassar Street is not deprived of the sun and natural light which its windowed, southerly exposure now enjoys. The resulting 200 foot separation should be used as a park and for vehicle surface parking. That will also buffer the business environment from the institutional residential environment of the proposed building and retail/institutional use restaurant facilities.

- MIT must develop and present at a subsequent Planning Board meeting a solution to the parking problem that will be created by the additional vehicles owned and operated by the 350 undergraduate students, the thirty-four (34) other persons who will reside in the seventeen (17) dwelling units in the building and the employees serving the building and by the elimination of the 156 surface parking spaces. That solution should consider putting underground the maximum number of permissible parking spaces, which is 284 for the building, as now proposed. (Zoning Ordinance Section 17.64.2).

- Under the Cambridge Zoning Ordinance, MIT must provide for up to an additional sixty-three (63) off street parking spaces for the proposed building, i. e. over and above the thirty-two (32) spaces which MIT says in error is all that is required.

- MIT must develop and present to the Planning Board a plan to manage the proposed construction to eliminate disruption of the CEE executive programs and to insure access to 219 Vassar Street and adequate parking for its occupants and businesses.

- MIT must address its lack of the right to provide a retail restaurant under the Zoning Ordinance.

MIT's mere recitation that "it complies" with the General Special Permit criteria (Zoning Ordinance Section 10.40) or other IPOP General Policy considerations is not the fact.

Growth Policy # 13 in Zoning Ordinance Section 11.512 of the IPOP requires that there be no unreasonable disruption of "the daily activities of the city's neighborhoods and residents." The neighborhoods include the Vassar Street business neighborhood of which 219 Vassar Street is a very important part. MIT's building, as now proposed, will unreasonably disrupt the current use of Vassar Street for on-street parking by privately owned businesses in the Vassar Street neighborhood. MIT does not address these issues except to mischaracterize adjacent uses as "educational in nature" in Section 3.0 of its application. Thus, MIT ignores 219 Vassar Street's commercial business use. The only adjacent institutional activities are MIT's own surface parking lots and playing fields.

Growth Policy # 66 in Zoning Ordinance Section 11.512 is also contravened because the building, as now proposed, will impair the economic value of 219 Vassar Street and because there is no buffer between MIT's institutional uses and the commercial/business uses represented by 219 Vassar Street.

Growth Policy # 39 in Zoning Ordinance Section 11.512 is also contravened because the vehicular burden which the building, as now proposed, will create in Special District 6 will have a negative impact on the abutting Cambridgeport residential neighborhood.

For the grant of a Special Permit, it must appear "that the requirements of this Ordinance cannot or will not be met." Moreover, traffic to be generated cannot cause "congestion, hazard or substantial change in established neighborhood character," there is no adverse effect on adjacent uses, and there is no impairment of the integrity of the district or an adjoining district. (Zoning Ordinance Section 10.43). MIT has not met these criteria.

The Dover Amendment, G.L. c. 40A, §3 (1990 ed.), is not pertinent to the relief MIT seeks, nor do Prof. Donovan's concerns raise any Dover Amendment issue. The Dover Amendment is nonetheless discussed later in this Opposition Memorandum.

E. MIT's Application for the Proposed Building Does Not Meet the Zoning Ordinance's Off-Street Parking Requirements.

MIT does not recognize that the uses of the proposed building fall into different classes for zoning purposes, thereby requiring that the proposed building be treated as a multi-use facility for purposes of the Zoning Ordinance. These uses are:

- a 350 bed dormitory,
- seventeen (17) dwelling units and
- a street level dining/restaurant facility and sidewalk café for retail and Institutional patrons with both "seats" and a "public floor area". (Zoning Ordinance Section 6.36).

As a multi-use facility, each use has its own cumulative parking and loading requirements. The Zoning Ordinance requires that the off street parking for a building of different uses "shall be the sum of the requirements for each individual use" and that "...[r]equired parking spaces for accessory uses shall be determined in the same manner as for principal uses." (Zoning Ordinance

Section 6.33). Moreover, MIT has made no provision for handicapped parking. See Zoning Ordinance Section 6.18 and 521 CMR §23.

Properly applied, the Zoning Ordinance requires that the proposed building's separate uses have an aggregate requirement of at least fifty-four (54) and, under these circumstances, likely up to eighty-five (85) off-street parking spaces. The residential uses alone require forty-six (46) off-street parking spaces, not just the thirty-two (32) offered by MIT's analysis. These eighty-five (85) total off-street parking spaces are comprised of:

- twenty-nine (29) spaces for the 350 student dormitory beds (at a 1:12 ratio). (Zoning Ordinance Sections 17.64.1 and 4.33(b)(7)).[2]
- ten (10) spaces for the ten (10) graduate students' dwelling units. (Zoning Ordinance Sections 17.64.1, 6.36.1(g) and 4.31(a)-(h)).
- five (5) spaces for the five (5) visiting professors' dwelling units. (Zoning Ordinance Sections 17.64.1, 6.36.1(g) and 4.31(a)-(h)).
- two (2) spaces for the dwelling units for the House Master and the Associate House Master. (Zoning Ordinance Sections 17.64.1, 6.36.1(g) and 4.31(a)-(h)).
- up to thirty-nine (39) additional off street parking spaces for the retail Institutional restaurant and cafe.

The MIT application does not accurately reflect the actual number of dwelling units in the building, as now proposed, and their corresponding parking requirements. The graduate student, visiting professor and masters' rooms are dwelling units under Article 2.000 of the Zoning Ordinance definition, which recites:

> *Dwelling unit.* A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary faculties for the exclusive use of such family for living, sleeping, cooking and eating.

[2] The 350 dormitory beds compute to twenty-nine and 17/100th (29.17) spaces, which fraction must be carried for cumulative purposes. (Zoning Ordinance Section 6.33).

MIT's application also fails to address properly the retail and institutional street level restaurant and sidewalk café. MIT's intended customers for the restaurant and café include not only the thousands of MIT students and faculty but the general public as well. MIT's spokesperson readily acknowledged that "One of our [,MIT's,] other programs on the street is a dining hall that also doubles as a sidewalk café," that "...while this is primarily for MIT students and faculty, we [,MIT,] really see it as a way to enliven the Vassar streetscape" and that the dining program is intended to "spill ... out on the street" and "doubles as a sidewalk café". (Lawrence Bacole, 11/19/99 Hearing Transcript, p. 130; Tim Bade, 11/19/99 Hearing Transcript, pp. 137-138). The restaurant and street level sidewalk café will be especially attractive to the general public and nonresident students because of its location right next to the open space of the playing fields and near the Memorial Drive public areas and will attract to the premises more than just building residents.

These considerations make it necessary to provide at least seven (7) and probably up to at least thirty-nine (39) additional off street parking spaces for these uses under the Zoning Ordinance. The MIT plans that the Planning Board has made available to Prof. Donovan show approximately 235 seats at tables within the restaurant/café area. The 235 seats mandate four (4) off street parking spaces which MIT's Application has omitted. (Zoning Ordinance Section 6.36.(b)(6)(a)). The dining facility also includes "public open space" comprised of a "servery", a "country kitchen" and foot traffic spaces. The "public open space" appears to be at least 3000 square feet as scaled from the MIT plans. Zoning Ordinance Section 6.36 requires that every twenty (20) square feet of gross floor area of "public open space" shall be equivalent to one (1) seat, thereby requiring for an Institutional dining facility an additional three (3) off street parking spaces for the additional one hundred fifty (150) seats.

This is not just an Institutional dining facility, however. MIT's application fails to address the intended retail nature of the operations or the fact that it can be expected to operate like a Fast Food Establishment with take-out being a major source of revenue. If treated as MIT intends, i.e. as a publicly accessible restaurant and café, the off-street parking requirements mandate one (1) off-street parking space for every ten (10) to fifteen (15) seats. (Zoning Ordinance Section 6.36.5(e)). Therefore, the dining area's off-street parking requirements should be thirty-nine (39) additional spaces.

F. MIT's Building, as Now Proposed, Requires Four (4) Loading Bays.

Each separate use within the multi-use facility also has its own cumulative loading requirements according to Zoning Ordinance Section 6.33. The restaurant facility comprises over 10,000 square feet of the ground floor of the proposed building. Under these criteria, the proposed multi use building requires a total of four (4) loading bays, comprised of three (3) bays for the dormitory and one (1) additional bay for restaurant use under Zoning Ordinance Sections 6.36.3(a)(6)(a), 6.36.3(a)(a) and 6.83. If recognized as a retail restaurant of over 10,000 and under 25,000 square feet, the one (1) additional bay would also be required. (Zoning Ordinance Sections 6.36.3(e) and 6.83). MIT only provides for three (3) loading bays.

G. MIT Requires a Variance for the Publicly Accessible Restaurant and Street Café, as Now Proposed.

Mr. Bade's description of the dining and café facilities as open to the public, i.e. a retail establishment under Zoning Ordinance Section 6.36(e), raises another issue. An Institutional use under the Zoning Ordinance, Section 6.36.3, does not include a publicly accessible retail restaurant. Moreover, the proposed street level restaurant and sidewalk café will also operate in effect as a Fast Order Food Establishment. (Zoning Ordinance Article 2.000 Definitions) and should have been candidly treated as such by MIT in its application. A retail restaurant does not

comport with an educational use so as to fall within the scope of the Dover Amendment either. Even Hotel and Motel uses are prohibited in Special District 6 by Zoning Ordinance Sections 17.62(a)(1) and 4.31(i)(2)). Therefore, MIT must apply for a variance for a publicly accessible restaurant in Special District 6, a restriction that would not apply if the proposed building were in a business district. (See Zoning Ordinance Sections 4.35(e), (f)(1) and (o)). No overlay special permit may issue without full zoning relief. (Zoning Ordinance Section 11.511(c)).

H. MIT's Use of an Apartment Building as Analogous to the Proposed Building Is Based on Erroneous and Improper Assumptions.

To assess traffic patterns, MIT selected an apartment building as analogous to the proposed building. That analogy understates the traffic and parking impact on Vassar Street and the surrounding neighborhoods. MIT does note that a primarily student occupied building will have continuous automobile traffic, as well as continuous foot and bicycle traffic, throughout the day. MIT does not take into account, however, the fact that, unlike an apartment building, a large number of visitors will be attracted to the building by its 350 resident freshmen, sophomores, juniors and seniors, by its thirty-four (34) graduate students, faculty, visiting professors and their resident family members and by the street level MIT dining facility and café that is open to all MIT students and guests and non-MIT cash paying patrons as well. The traffic study also fails to take into account the on-site MIT employees who will staff the dining facility, the on-site MIT facilities personnel who will clean, maintain and repair the building, and the MIT facilities personnel located off-site who will be called to clean, maintain and repair the building.

The traffic study assumes that an apartment building of 384 residents is an appropriate analogy. An apartment building of 384 residents translates to only 192 living units, not the 367 separate living units that are in the proposed MIT building. The apartment building model used

does not have a street level restaurant or café, which MIT's design considerations intend to make into a magnet, a vibrant space to enliven Vassar Street.

I. MIT's Proposal Does Not Address the Parking and Traffic Congestion That the Proposed Building Will Create by the Loss of 156 Surface Parking Spaces.

MIT does not address the net loss of 156 surface parking spaces to be displaced by the proposed building. These spaces will not be replaced in the building, as now proposed. (Lawrence Bacole, 11/19/99 Hearing Transcript, p. 131). MIT's plans show only thirty-two (32) off street parking spaces, all of which, and more, are required for the building itself and do not replace the lost surface spaces. MIT has not demonstrated that an equivalent number of spaces are located at a lawful location that is available as accessory parking under Zoning Ordinance Section 6.22.1. Although MIT's application suggests in Section 4.2 that the "displaced parking will be relocated ... to the adjacent lot," MIT does not say where the vehicles that now park "in the adjacent lot" will go. If MIT wants to adjust the parking in that manner, it must submit to the Building Department a revised parking plan as required by Zoning Ordinance Section 6.32.2.

MIT fails to address the fact that many of the 350 student residents of the proposed building will in fact own or have the use of vehicles that are not now parked in the Vassar Street area. (See James Williamson comment, 11/19/99 Hearing Transcript, p. 160). The nearest, alternative parking area for such vehicles is the Cambridgeport neighborhood, which has nearby pedestrian access to the proposed building across the tracks at Annis Crossing by Fort Washington. While MIT's application, as well as its October 19, 1999 oral presentation to the Planning Board, goes to great length to accentuate the availability of subway service and the future location of the so-called "Urban Ring" public transportation line in the vicinity, this part of Vassar Street is far from both the Central Square and Kendall Square subway stops, and the Urban Ring project is believed by most local planners to be a pipe dream.

MIT does not disclose that it limits the number of undergraduate student vehicle parking permits for on campus parking and that undergraduate permits are available only by lottery. According to MIT's parking regulations, freshmen may not acquire a parking permit at all, except for handicap or medical reasons or other unusual circumstances. Vassar Street, however, is not on the MIT campus. Those 350 new residents to Vassar Street, many of whom will have previously lived farther from campus and owned vehicles, will use up all on-street parking in the Vassar Street area, thereby depriving 219 Vassar Street occupants of on-street parking. Those students can also be expected to park in the Cambridgeport neighborhood, thus creating a nuisance to residents and an increased burden on parking enforcement.

As the Planning Board must be aware, any student can obtain a Cambridge resident parking sticker upon submitting proof of vehicle registration in Cambridge, Massachusetts. The student need not obtain an MIT vehicle registration sticker. It is necessary, therefore, for MIT to present to the Planning Board a well conducted and documented study showing the number of student-owned vehicles that will likely be introduced to the area by the 350 undergraduate residents. As can be seen from MIT's own maps, substantial student housing is already located along Memorial Drive between Massachusetts Avenue and Amesbury Street. The 350 new student residents can only increase the existing Vassar Street parking congestion.

MIT's plans appear to include the right to reduce significantly parking on Vassar Street by eliminating diagonal parking and expanding the sidewalks into part of the existing roadway under the so-called CASPAR agreement. Those changes, yet to be instituted, can only further aggravate the parking congestion on Vassar Street.

J. <u>MIT's Architectural Plan Does Not Consider the Impact on 219 Vassar Street.</u>

MIT's architectural plan does not take into account the impact of the ten (10) story building, as now proposed, on the 219 Vassar Street building. Inexplicably, no shadow studies

have been done by MIT with respect to 219 Vassar Street, even though only about fifty (50) feet separate the building, as now proposed, from 219 Vassar Street to the north. Shadow studies are especially pertinent because the ten (10) story building as now proposed will cut off the southerly exposure of 219 Vassar Street and shadow the substantial, natural light which the 219 Vassar Street building now receives during daylight working hours. The only remedy is to move the proposed building 150 feet to the south in order to preserve 219 Vassar Street's current light.

MIT proposes to squeeze a hard scape park into the fifty (50) foot gap left between 219 Vassar Street and the building, as now proposed. This diminutive "pocket park" is more suited to a higher building density, downtown area where it would relieve a space that is dominated on three sides by high buildings and on the fourth by an active street, such as the example given of mid-town New York City's Paley Park that is surrounded by thirty (30) story buildings. (Tim Bade, 11/19/99 Hearing Transcript, pp. 137-138). The diminutive park is out of place across from open, green playing fields and inconsistent with the factors listed in Zoning Ordinance Section 17.63.2(c). It seems apparent from MIT's application that its future plans include additional high rise dormitories all along Vassar Street. Thus, the park is deliberately small in order to "anticipate [MIT's] future – future developments." (Tim Bade, 11/19/99 Hearing Transcript, p. 136). This raises the additional point that the Planning Board should examine MIT's future development plans for Vassar Street. The Planning Board's current action should not be permitted to be used as tacit approval of its future plans.

The space between 219 Vassar Street and the building, as now proposed, should be at least 200 feet to provide a meaningful open area. To move the building to the south by 150 feet will not deprive MIT of the use of any of the space. That is clear because MIT's original

proposal placed the building at the other end of the current surface parking area and left as surface parking the space between 219 Vassar Street and the building as then proposed.

MIT speaks of a view corridor from Erie Street that is now protected under its current layout. There is, however, no view corridor from Erie Street. Any view along any Erie Street corridor is already cut off by industrial buildings to the west of the railroad tracks on Albany Street. The building, as now proposed, however, does cut off the "visual penetration as viewed from the residential Cambridgeport neighborhood to the MIT campus and to the River Beyond", which is a planning consideration specified in Zoning Ordinance Section 17.63.2(c)(5). Therefore the building should be moved 150 feet south of the currently proposed location just opposite the buildings across the tracks along Albany Street in order to protect that visual penetration without affecting any Erie Street view corridor.[3]

K. MIT's Application and Prof. Donovan's Concerns Do Not Raise Dover Amendment Issues.

MIT has referred to the Dover Amendment in the application process, but does not contend that the Dover Amendment is pertinent to the relief it seeks. In any event, the law is clear that Prof. Donovan's concerns do not raise Dover Amendment issues. The Dover Amendment, G.L. c. 40A, §3 (1990 ed.) reads in pertinent part as follows:

> "No zoning ordinance or by-law ... shall ... regulate or restrict the use of land or structures for ... educational purposes ... by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."

This provision reflects the holding in Radcliffe College v. Cambridge, 350 Mass. 613 (1966), at 618:

> Providing for the parking or housing of the automobiles of students, instructors, and employees of an educational institution is within the broad scope of the educational powers of the institution just as is providing for the feeding and housing of such personnel. These are secondary functions incidental to the main educational purpose. Hence, a regulation that requires that some of the college land be used for parking does not lessen the availability of all or any of the institution's land for some appropriate educational purpose. We think the statute does not bar such regulation. Plainly the statute does not do so in express terms. At most, the Cambridge ordinance requires choices among the proper educational purposes of the institution. In so doing it does not impede the reasonable use of the college's land for its educational purposes. We rule, therefore, that it does not limit 'the use of [its] land for any ... educational purpose' within the meaning of G.L. c. 40A, §2.

Of particular interest is the application of the Dover Amendment to the Medford Zoning Ordinance in Trustees of Tufts College v. Medford, 415 Mass. 753 (1993). That case reiterated that the educational institution "will bear the burden of proving that the local requirements are unreasonable as applied to its proposed project." Id. at 759. As applied to parking,

> A court should construe a local zoning requirement "in a manner which sustains its validity," *Doliner v. Town Clerk of Millis, supra* at 15, if this can be done without straining the common meaning of the terms employed. *Framingham Clinic, Inc. v. Zoning Bd. of Appeals of Framingham*, 382 Mass. 283, 290 (1981). *Hall v. Zoning Bd. of Appeals of Edgartown*, 28 Mass. App. Ct. 249, 254 (1990). ....
>
> Based on this interpretation, Tufts has not shown that the parking requirements of the ordinance are unreasonable as applied to the Wessell addition. It was properly found in the Land Court that there is a serious parking problem on Tufts' core campus and on public streets adjacent thereto. Parking as it affects physical conditions on and around an educational use, is a legitimate municipal concern and a proper subject of local zoning regulation. *Radcliffe College v. Cambridge*, [350 Mass. 613, at 617 & n.4].

Id. at 761. As applied to loading spaces, the court said:

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[3] The three-story block carved out at the top of the proposed building could be aligned with any Erie Street view corridor.

> The Land Court judge concluded that deliveries to Wessell would not be sufficient in number to justify the two additional loading spaces required by the ordinance. He determined, therefore, that the loading space requirements of the ordinance could not reasonably be applied to the Wessell addition. The Appeals Court revised this portion of the judgment because of "the ease with which compliance [with the loading space requirements can be] achieved." 33 Mass. App. Ct. at 586. Tufts contends that the notion of "ease of compliance' is foreign to Dover Amendment jurisprudence. We disagree.
>
> ... When compliance will involve no significant cost or other hardship to an educational institution, and does not interfere to any appreciable extent with the institution's plans, the institution has
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> failed to make out a case that the requirement, as applied, is unreasonable.

L. Conclusion.

By reason of the foregoing, Prof. Donovan requests that MIT be required to develop the plans and information set out in Section D above, specifically at the next meeting, and failing that, that its application be denied for failure to meet the requirements of the Zoning Ordinance. These are:

- The MIT building must move 150 feet farther to the south on Vassar Street so that the separation between the building and the southerly lot line of 219 Vassar Street is at least 200 feet and so that 219 Vassar Street is not deprived of the sun and natural light which its windowed, southerly exposure now enjoys. The resulting 200 foot separation should be used as a park and for vehicle surface parking. That will also buffer the business environment from the institutional residential environment of the proposed building and retail/institutional use restaurant facilities.

- MIT must develop and present at a subsequent Planning Board meeting a solution to the parking problem that will be created by the additional vehicles owned and operated by the 350 undergraduate students, the thirty-four (34) other persons who will reside in the seventeen (17) dwelling units in the building and the employees serving the building and by the elimination of the 156 surface parking spaces. That solution should consider putting underground the maximum number of permissible parking spaces, which is 284 for the building, as now proposed. (Zoning Ordinance Section 17.64.2).

- Under the Cambridge Zoning Ordinance, MIT must provide for up to an additional sixty-three (63) off street parking spaces for the proposed building, i. e. over and above the thirty-two (32) spaces which MIT says in error is all that is required.

- MIT must develop and present to the Planning Board a plan to manage the proposed construction to eliminate disruption of the CEE executive programs and to insure access to 219 Vassar Street and adequate parking for its occupants and businesses.

- MIT must address its lack of the right to provide a retail restaurant under the Zoning Ordinance.

Respectfully submitted,

SULLIVAN & WORCESTER LLP
One Post Office Square
Boston, Massachusetts 02109
(617) 338-2800

Date: December 7, 1999

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APPENDIX

A. COMPILATION OF PERTINENT CAMBRIDGE ZONING ORDINANCES

B. COMPILATION OF CAMBRIDGE ZONING ORDINANCES AND AMENDMENTS

C. MIT PARKING REGULATIONS

Exhibit A

RECYCLED

Exhibit A

1. **Section 2.000 Definitions:**

Dormitory. Any dwelling (other than a sorority or fraternity house) owned or controlled by an educational institution and occupied primarily as a place of temporary residence for persons whose permanent residence is elsewhere and who are employed or enrolled at the educational institution.

Dwelling Unit. A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary faculties for the exclusive use of such family for living, sleeping, cooking and eating.

Family. One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit; provided that group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Fast Order Food Establishment A specific operation separate and distinct from any other operation in the location occupied and in the kind of Fast Order Food sold, and which:

(a) has as its primary business the sale to the public of Fast Order Food for consumption on or off the premises; and

(b) does not meet all of the following conditions:

(1) provision of nondisposable plates, cups and utensils to all patrons,

(2) availability of printed individual menus for all patrons,

(3) provision of seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and

(4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on premises.

2. **Section 6.22 Off_Street Parking Regulations**

6.22.1 Accessory off street parking facilities may be located on the same Lot as the use being served or on another lot that has the same or less restrictive zoning classification as the lot on which the use being served is located in accordance with the following conditions:

(a) (1) said other Lot is contiguous to the lot on which the use being served is located; or

(2) said other lot is within three hundred (300) feet of the lot on which the use being served is located and the being served is nonresidential; or

(3) said lot is within three thousand (3000) feet of the lot on which the use being served is located, such use is an institutional use listed in Subsection 6.36.3b and said use is located within a five acre area containing one or more lots, contiguous except for streets, owned by a single institution; and

(b) said lot is not now and was not within the past five (5) years the location of a preferably preserved significant building (as defined in the General Ordinances of Cambridge) as determined by the Cambridge Historical Commission.

(c) however, no off site accessory parking facilities shall be allowed to meet the requirements for Subsection 6.36.5h "Theatre or hall for public gatherings".

3. **Section 6.32 Parking Exemptions**

6.32.2 ***Institutions.*** Where an institution provides dormitory, fraternity, faculty, employee or other residence accommodations, the number of parking spaces provided as a result thereof may be deducted from the requirements established to satisfy the needs of classrooms, libraries, lecture halls, laboratories, similar educational areas or dining facilities normally used by such residential occupants. In order to qualify for such deduction, the institutional applicant shall submit to the Building Department the institution's current residential parking plan clearly indicating the location of all existing and proposed residential parking facilities available at the institution.

4. **Section 6.33 Computation.** Where a building or lot is used by two or more activities that fall into different classes of use in Subsection 6.36, the off street parking required shall be the sum of the requirements for each individual use. Required parking spaces for accessory uses shall be determined in the same manner as for principal use. Where the computation results in a fractional number, only a fraction of one half or more shall be computed as one. Where the computation of required parking for a building with more than one class of use results in multiple fractional numbers, such fractions shall be carried to the final sum.

5. **Section 10.40 Special Permits**

10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) it appears that requirements of this Ordinance cannot or will not be met, or

(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or

(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or

(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, or

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

6. **Section 11.510 The Planning Overlay Special Permit.**

7. **Section 11.512 Criteria for Special Permit.**

(a) In granting a planning overlay special permit the Planning Board [shall] ensure that the project conforms with the following growth policies as set forth in the Cambridge Growth Policy Document, "Towards a Sustainable Future":

(1) **Growth Policy #13.** A pace of development or redevelopment should be encouraged that permits the maintenance of a healthy tax base, allows for adjustment and adaptation to changing economic conditions, and is consistent with the City's urban design and other physical development objectives yet does not unreasonably disrupt the daily activities of the city's neighborhoods and residents or overburden the city's water and sewer infrastructure.

(2) **Growth Policy #27.** Where possible, construct new affordable housing that fits neighborhood character. In existing residential neighborhoods housing should be built at a scale, density, and character consistent with existing development patterns. Permit reconstruction of affordable housing (defined as more than 50% of units rented or owned by households at 80% or less than median income) that serves a wide range of incomes and groups at previous non-conforming density

where reconstruction is less expensive than rehabilitation. Emphasize construction of affordable housing designed for families with children.

(3) **Growth Policy #39.** Development patterns in all non-residential areas must be planned to minimize negative impact on abutting residential neighborhoods.

(4) **Growth Policy #66.** New open space facilities, including larger ones for organized activities, should be considered for those private developments where the size of the development, the amount of land area and/or the ownership patterns provide the flexibility to accommodate such a facility without loss of economic value for other uses.

(b) Additionally, the Planning Board shall, before issuing a special permit, find that the project will have no substantial adverse impact on city traffic. In determining whether there is a substantial adverse impact, the Planning Board shall apply criteria for measuring traffic Impact baser on the best available measures of traffic volumes and level of service, as recommended by the Traffic, Transportation and Parking Department. These criteria shall be updated as new data on existing traffic volumes and level of service are compiled.

8. **Section 17.60 SPECIAL DISTRICT 6.**

9. **Section 17.62 Permitted Uses.** Uses permitted in the Residence C-3 District shall be equally allowed in the Special District 6 with the exception of the following:

(a) The following uses shall be prohibited:

(1) Parking lot or parking garage for private passenger cars, Section 4.32b.

(2) Hotel and motel uses, Section 4.31i (2).

10. **Section 17.64 Off Street Parking and Loading Requirements.** Off Street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Residence C-3 District except as provided below.

17.64.1 Minimum Parking Requirement. The minimum parking requirement shall be one space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit, and for dormitory uses, Section 4.33b(7), one parking space for each twelve (12) beds.

1764.2 Maximum Parking. The maximum accessory parking permitted for all uses in the district shall be one parking space for each six hundred and fifty (650) square feet of floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

	Open Space	Res A 1&2	Res B	Res C,C-1, 2,2A, 2B,3, 3A	Off 1,2,3, 3A	Bus A-1, A-2	Bus A	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
Section 4.31 Residential Uses														
a. Detached dwelling occupied by not more than one family	No	Yes	Yes	Yes[1]	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No
b. Two family dwelling	No	No	Yes	Yes[1]	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No
c. Existing one-family detached dwelling	No	Yes[2]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No
d. Townhouse development	No	No	Yes[3]	Yes[3]	Yes[1,3]	Yes[3]	Yes	Yes	Yes	No	No	No	No	No
e. Elderly oriented congregate housing	No	PB	PB	Yes[5]	Yes[5]	Yes[5]	Yes	Yes	Yes	Yes	No	No	No	No
f. Existing dwelling converted for elderly oriented congregate housing	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No
g. Multifamily dwelling	No	No	No	Yes[5]	Yes[1,5]	Yes[5]	Yes	Yes	Yes	PB	No	No	No	No
h. Existing dwelling converted for more than two families	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No

Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, Off 1, Bus A (Comm), Bus A-1, A-2, Ind A-1, Ind C	Bus. C, C-1, Ind A, Off 2, Res C-2, C-2A, Res C-2B, Ind B-2, Bus A (res)	Ind B-1, Res C-3, C-3A, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category
6.36.5 Retail Business and Consumer Service Establishments (continued)					
b Place for the manufacturing, assembly or packaging of consumer goods	n/a	1 per 800 sq. ft.	1 per 1200 sq. ft.	1 per 1600 sq. ft.	A
c. Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self service laundry or other similar establishment	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	D
d. Hand laundry, dry cleaning or tailoring shop	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	D
e. Lunchroom, restaurant, cafeteria	n/a	1 per 5 seats[9] 1 per 2.5 seats	1 per 10 seats[9] 1 per 5 seats	1 per 15 seats[9] 1 per 10 seats	C
f. Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided.					
1) Lunchroom, restaurant or cafeteria	n/a	1 per 5 seats[9] 1 per 2.5 seats	1 per 10 seats[9] 1 per 5 seats	1 per 15 seats[9] 1 per 10 seats	C
2) Bar saloon, or other establishment serving alcoholic beverages but which is not licensed to prepare or serve food	n/a	1 per 5 seats[9] 1 per 2.5 seats	1 per 10 seats[9] 1 per 5 seats	1 per 15 seats[9] 1 per 10 seats	C
g. Bar or other establishment where alcoholic beverages are sold and consumed and where dancing and entertainment is provided. Dance hall or similar place of entertainment	n/a	1 per 5 seats 1 per 2.5 seats	1 per 10 seats 1 per 5 seats	1 per 15 seats 1 per 10 seats	C
h. Theatre or hall for public gathering	n/a	1 per 5 seats 1 per 2.5 seats	1 per 10 seats 1 per 5 seats	1 per 15 seats 1 per 10 seats	F
i. Commercial recreation	n/a	1 per 6 persons based on maximum permitted capacity	1 per 6 persons based on maximum permitted capacity	1 per 6 persons based on maximum permitted capacity	F
j. Mortuary, undertaking or funeral establishment	n/a	4 per chapel, parlor or reposing room	4 per chapel, parlor or reposing room	4 per chapel, parlor or reposing room	F
k Printing shop, photographer's studio	n/a	1 per 500 sq. ft. 1 per 250 sq. ft.	1 per 700 sq. ft. 1 per 350 sq. ft.	1 per 900 sq. ft. 1 per 600 sq. ft.	F
l. Animal Services					
1) Veterinary establishment, kennel	n/a	1 per 300 sq. ft. 1 per 150 sq. ft.	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 500 sq. ft. 1 per 330 s	F

Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, Off 1, Bus A (Comm), Bus A-1, A-2, Ind A-1, Ind C	Bus. C, C-1, Ind A, Off 2, Res C-2, C-2A, Res C-2B, Ind B-2, Bus A (res)	Ind B-1, Res C-3, C-3A, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category
6.36.3 Institutional Uses (continued)					
h Other institutional uses					
1. Club, lodge or other fraternal or sororal meeting facility	1 per 6 members based on maximum rated capacity	1 per 6 members based on maximum rated capacity	1 per 8 members based on maximum rated capacity	1 per 10 members based on maximum rated capacity	F
2 Museum or noncommercial gallery (including facilities for cultural and ethnic heritage appreciation)	600 sq. ft.	600 sq.. ft.	1000 sq. ft.	1800 sq. ft.	F
3 Cemetery	0	0	0	0	n/a
4 Other institutional use	n/a[6]	n/a[6]	n/a[6]	n/a[6]	F
6.36.4 Office and Laboratory Use					
a Office of a physician, dentist or other medical practitioner not located in a clinic listed under Subsection 4.33(d)	n/a	1 per 300 sq. ft. 1 per 150 sq. ft.	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 500 sq. ft. 1 per 330 sq. ft.	F
b Office of an accountant, attorney, or other nonmedical professional person	n/a	1 per 500 sq. ft. 1 per 250 sq. ft.	1 per 700 sq. ft. 1 per 350 sq. ft.	1 per 900 sq. ft. 1 per 600 sq. ft.	F
c Real estate, insurance or other agency office	n/a	1 per 500 sq. ft. 1 per 250 sq. ft.	1 per 700 sq. ft. 1 per 350 sq. ft.	1 per 900 sq. ft. 1 per 600 sq. ft.	F
d General office use	n/a	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 670 sq. ft.	F
e Bank, trust company or similar financial institution	(ground floor)	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 530 sq. ft.	F
	n/a (upper floor)	11 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 670 sq. ft.	F
f. Technical office for research development laboratory or research facility subject to the restrictions in Section 4.21(m)	n/a	1 per 600 sq. ft.[8] 1 per 300 sq. ft.	1 per 800 sq. ft.[8] 1 per 400 sq. ft.	1 per 1000 sq. ft.[8] 1 per 670 sq. ft.	F
6.36.5 Retail Business and Consumer Service Establishments					
a Store for retail sale of merchandise					
1) Establishment providing convenience goods[12]	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft	1 per 1800 sq. ft. 1 per 1200 sq. ft.	B
2) Other retail establishments	n/a	1 per 500 sq. ft. 1 per 250 sq. ft.	1 per 700 sq. ft 1 per 500 sq. ft.	1 per 900 sq. ft. 1 per 600 sq. ft.	B

	Open Space Res A-1, A-2, Res B	Res C, C-1, Off 1, Bus A (Comm), Bus A-1, A-2, Ind A-1, Ind C	Bus C, C-1, Ind A, Off 2, Res C-2, C-2A, Res C-2B, Ind B-2,Bus A (res)	Ind B-1, Res C-3, C-3A, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category
6.36.5 Retail Business and Consumer Service Establishments					
e. Lunchroom, restaurant, cafeteria	n/a	1 per 5 seats[9] 1 per 2.5 seats	1 per 10 seats[9] 1 per 5 seats	1 per 15 seats[9] 1 per 10 seats	C

Section 6.83 Minimum Number of Off Street Loading Bays

Gross Floor Area (in thousands of square feet)

Loading Facility Category	Area at which First Bay is Required	Area at which Second Bay is Required	Incremental Area for which each additional Bay is Required Beyond the Second
A	5	40	50
B	10	20	50
C	10	25	40
D	10	40	50
E	10	100	100
F	10	100	200

	Open Space Res A-1, A-2, Res B	Res C, C-1, Off 1 Bus A (Comm) Bus A-1, A-2, Ind A-1, Ind C	Bus C, C-1, Ind A, Off 2, Res C-2, C-2A, Res C-2B, Ind B-2,Bus A (res)	Ind B-1, Res C-3, C-3A, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category
6.36.3 Institutional Uses					
b. Educational Purposes					
6. Other college or university faculty					
a. Dining halls, canteens and similar eating facilities	1 per 20 seats	1 per 20 seats	1 per 40 seats	1 per 60 seats	E
8. Group residential and related facilities					
a. Dormitories	n/a	1 per 4 beds + 1	1 per 8 beds + 1	1 per 8 beds + 1	E

	Open Space Res A-1, A-2 Res B	Res C, C-1, Off 1 Bus A (Comm) Bus A-1, A-2 Ind A-1, Ind C	Bus C, C-1, Ind A, Off 2, Res C-2, C-2A, Res C-2B, Ind B-2 Bus A (res)	Ind B-1, Res C-3 C-3A, Off 3-A, 3 Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category
6.36.1 Residential Uses					
g. Multifamily dwelling	n/a	1 per d.u.[3]	1 per d.u.	1 per d.u.	n/a

	Open Space	Res A 1&2	Res B	Res C,C-1, 2,2A 2B,3, 3A	Off 1,2,3, 3A	Bus A-1, A-2	Bus A	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
Section 4.35 Retail Business and Consumer Service Establishments														
e. Lunchroom, restaurant, cafeteria[27]	No	No	No	No	No[12]	Yes	Yes	Yes[10]	Yes	Yes	Yes	No	Yes	Yes
f. Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided														
1. Lunchroom, restroom, cafeteria	No	No	No	No	No[12]	Yes	Yes	Yes[10]	Yes	Yes[28]	Yes	No	Yes	Yes
o. Fast Order Food Establishment	No	No	No	No	No	No	SP	SP[10]	SP	No	SP	No	SP	PUD

Section 6.36 Schedule of Parking and Loading Requirements. Off street parking shall be provided as shown in the following table. Where one entry is given in the table, it is the minimum requirement. All square foot measurements refer to gross floor area unless specified otherwise. the abbreviation "d.u." means dwelling unit. The abbreviation n/a means not applicable. In cases where a requirement is expressed in number of seats, twenty (20) square feet of public floor area shall equal one seat if there are no fixed seats. The final column of the table contains the loading requirement standard applicable under Section 6.80 for each use.

	Open Space	Res A 1&2	Res B	Res C, C-1, 2, 2A, 2B, 3, 3A	Off 1,2,3 3A	Bus A-1 , A-2	Bus A	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
Section 4.32 Transportation, Communication & Utility Uses														
b. Automobile parking lot or parking garage for private passenger cars[18]	No	No	No	No	Yes	SP	SP	Yes	Yes	Yes	Yes	Yes	Yes	Yes

	Open Space	Res A 1&2	Res B	Res C,C-1, 2,2A, 2B,3, 3A	Off 1,2,3, 3A	Bus A-1, A-2	Bus A	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
Section 4.33 Institutional Uses														
b. Educational Purposes														
7. Dormitory, resident fraternity or sorority	No	IUR	IUR	Yes[43]	Yes[46]	Yes	Yes	Yes	Yes	No	SP	No	SP	PUD

	Open Space	Res A 1&2	Res B	Res C,C-1, 2,2A, 2B,3, 3A	Off 1,2,3, 3A	Bus A-1, A-2	Bus A	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
Section 4.31 Residential Uses														
i. Transient Accommodations														
2. Hotel or motel	No	No	No	SP[7]	Yes[1,6]	No	SP	Yes	Yes[53]	No	SP	No	SP	No

Parking Table Footnotes

1. Required parking may be reduced if a special permit is granted by the Board of Appeals upon determination that the criteria of Subsection 6.35 will be satisfied.
2. See also Section 11.16.
3. Special permit granting authority may require visitor spaces in excess of the minimum requirement.
4. The requirement for elderly oriented housing may be reduced below the requirement specified in the table but not below one space per four dwelling units.
5. Additional parking spaces shall be provided for public restaurants in excess of two thousand (2000) square feet for a hotel or motel containing up to one hundred (100) rooms, in excess of five thousand (5000) square feet for one containing between one hundred and one (101) rooms and two hundred and fifty (250) rooms, and eight thousand (8,000) square feet in one containing more than two hundred and fifty (250) rooms. The number of such spaces shall equal fifty (50) percent of the requirement for such uses specified in Subsection 6.36.5. Additional parking spaces shall also be provided for function rooms in an amount equal to one space per three hundred (300) square feet of floor area contained in such rooms.
6. The amount of parking required for this use shall be at the discretion of the special permit granting authority. In making its determination of required parking, the Board shall consider the size of the staff customarily occupying the premises, the nature of the client, resident, or customer population and the extent to which additional off street parking will be detrimental to the physical character of the neighborhood.
7. The required number of spaces shall be reduced by not more than fifty (50) percent if the place of worship is located within five hundred (500) feet of any public parking facility or any other parking facility where an equivalent number of spaces are available without charge during the time of services.
8. The requirement for areas devoted to fabrication shall be based on the parking requirement for the applicable industrial use category listed in Subsection 6.36.7 or 6.36.8.
9. This requirement shall not apply to accessory employee cafeterias.
10. A queue line for five (5) cars shall be provided for each window, bay, or other service providing unit. Such unit shall not block any parking spaces and shall be in addition to other applicable requirements.
11. A queue line for three (3) cars or comparable loading or live parking area shall also be provided for dropping off and picking up students.
12. Providing that the establishment is located in a structure also containing nonretail uses, and that no establishment shall exceed two thousand five hundred (2,500) square feet of gross floor area.
13. In Residence C, C-1, C-2, C-2A, C-2B, C-3, C-3A districts the amount of parking required for this use may be reduced at the discretion of the Board of Zoning Appeal in accordance with Section 4.28.

6.37 *Bicycle Parking.* Off street parking of bicycles shall be provided as follows:

6.37.1 For multifamily residences there shall be one bicycles space or locker for each two dwelling units or portion thereof.

6.37.2 For all other uses, except those exempted in Subsection 6.37.4, there shall be one bicycle parking space for each ten (10) automobile parking spaces or fraction thereof required in Subsection 6.36.

6.37.3 Uses allowed to have reduced parking by special permit under Subsection 6.35 shall nevertheless be required to provide bicycle spaces or lockers in the amount of one for each ten (10) automobile parking spaces or fraction thereof that would otherwise be required for such use in Subsection 6.36.

6.37.4 No accessory bicycle parking shall be required to serve the following uses as listed in the Section 6.36, Schedule of Parking and Loading Requirements: 6.36.1(d), (e), and (f); 6.36.3 (j) (3); 6.36.5 (j) and (l) (1); 6.36.6 (g), (h), and (i); 6.36.7 (d), (g), and (h).

6.40 DESIGN AND MAINTENANCE OF OFF STREET PARKING FACILITIES

6.41 *Purpose.* The regulations governing the design and maintenance of off street parking facilities are intended to protect the health, safety and welfare of the users of the parking facility and of abutting properties, including pedestrians and motorists. Therefore, the regulations herein provide for internal and perimeter landscaping, planting, walls, fences and other improvements to reduce noise, glare or reflection from autos, lights, fumes and the like, and minimum standards for parking space and aisle dimensions to ensure safe traffic circulation within the parking facility and from entrances and exits.

6.42 *Dimensions for Off Street Parking Spaces.* The minimum dimensions for off street parking spaces, exclusive of drives and maneuvering spaces, shall be as follows:

Space	Equivalent 90° Width	Equivalent 90° Depth	Vertical Clearance	Minimum Angel of Parking	Width of Aisles
Regular	8 1/2 feet	18 feet	7 1/2 feet	60°	22 feet
Compact Car	7 1/2 feet	16 feet	7 1/2 feet	60°	20 feet
Handicapped	12 feet	18 feet	7 1/2 feet	60°	22 feet

6.43 *Access for Off Street Parking Facilities.* Off street parking facilities shall have maneuvering areas and appropriate means of vehicle access to a street and shall be so designed as not to constitute a nuisance, hazard, or unreasonable impediment to traffic.

6.43.1 All parking spaces within the Business B-1 and Business B-2 districts shall be both covered and enclosed. All vehicle access for office and retail uses in those districts shall be from Massachusetts Avenue or from a side street perpendicular to it that will allow traffic flow toward Massachusetts Avenue. The open area of any lot in the Business B-1 and Business B-2 districts devoted to vehicular movements such as driveways shall be not more than the minimum necessary for vehicular access to covered and enclosed parking.

6.74 The required amount of loading facilities required to serve an institutional use listed in Subsection 6.36.3b may be calculated in aggregate for a use or uses on a lot and any lot contiguous thereto. However, such institutional use shall be located within a five (5) acre area containing one or more lots, contiguous except for streets, owned by a single institution.

6.75 Where the computation of total required loading bays results in a fractional number, only the fraction of one half or more shall be counted as one.

6.80 REQUIRED AMOUNT OF LOADING FACILITIES

6.81 Off street loading facilities shall be provided based on the category of land use and the area of that use.

6.82 The loading facility category shall be as listed in Subsection 6.36. The required number of loading bays shall be determined by the schedule in Subsection 6.83.

6.83 Minimum Number of Off Street Loading Bays

Gross Floor Area (in thousands of square feet)

Loading Facility Category	Area at which First Bay is Required	Area at which Second Bay is Required	Incremental Area for which Each additional Bay is Required Beyond the Second
A	5	40	50
B	10	20	50
C	10	25	40
D	10	40	50
E	10	100	100
F	10	100	200

6.90 LOCATION AND LAYOUT OF LOADING FACILITIES

6.91 Where a building or lot contains uses requiring compliance with loading facility categories C, D, E, and F, the first required bay shall be no less than ten (10) feet in width, thirty (30) feet in length and fourteen (14) feet in height. Each additional required loading bay for categories C, D, E, and F and any loading bay required by categories A and B shall be no less than ten (10) feet in width, fifty (50) feet in length, and fourteen (14) feet in height, such requirements to be exclusive of drives and maneuvering space.

6.92 All loading bays, drives, and a maneuvering space shall located entirely on the lot with immediate and direct ingress to the building intended to be served. A bay need not be enclosed in a structure provided any yard area used as a loading bay shall not infringe on front, side, and rear yard requirements as indicated in Article 5.000. All such facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering area, and no driveways or curb cuts shall exceed thirty (30) feet.

6.93 Off street loading bays may be enclosed in a structure and must be so enclosed if located within fifty (50) feet of a Residence District where the use involves regular night operation, such as that of a bakery, restaurant, hotel, bottling plant, or similar uses. Any lighting provided shall be install in a manner that will prevent direct light from shining onto any street or adjacent property.

6.94 All accessory driveways and entranceways shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Superintendent of Buildings to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways.

6.95 Loading facilities shall not be reduced in total extent of usability after their installation, except when such reduction is in conformity with the requirements of the Article. Such facilities shall be designed and used in such a manner as at no time to constitute a nuisance or hazard or unreasonable impediment to traffic.

(b) The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structure but not affecting generally the zoning district in which it is located.

(c) Desirable relief may be granted without either:

(1) substantial detriment to the public good; or

(2) nullifying or substantially derogating from the intent or purpose of this Ordinance.

10.32 In addition to considering the character and use of nearby buildings and land the Board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land, and the present and probable future traffic conditions.

10.33 A variance shall be granted only after a public hearing for which notice has been given by publication and posting as provided in Section 11, Chapter 40A, G.L. In any of the following cases notice of each application to the Board of Zoning Appeal for a variance shall be transmitted forthwith to the Planning Board which shall within twenty (20) days of the receipt of such notice transmit to the Board of Zoning Appeal a report accompanied by any material, maps, or plans that will aid the latter Board in judging the applications and in determining special conditions and safeguards. The Board of Zoning Appeal shall not render any decision on an application for a variance until said report has been received and considered, or until the twenty (20) day period has expired without receipt of the report whichever is earlier.

(a) Erection or alteration of a building to a height greater than that otherwise authorized under the provisions of this Ordinance.

(b) A change involving a nonconforming use of land in excess of twenty thousand (20,000) square feet.

(c) A change involving a nonconforming use of an existing building or building with a gross floor area in excess of two thousand (2,000) square feet or a floor area ratio more than fifty (50) percent greater than that permitted in the district in which it is located.

(d) A change involving a commercial or industrial use on a lot not previously used for a commercial or industrial purpose.

(e) Any other application for a variance with respect to which the Planning Board certified the Board of Zoning Appeal not later than the date of the public hearing that the granting of such application would materially conflict with the planning principles and policies adopted by the Planning Board.

10.34 In granting a variance the Board may attach such conditions, safeguards, and limitations of time, use and other development features, such as those listed in Section 10.44, as are determined necessary to protect the surrounding neighborhood including the continued existence of any particular structure, but excluding any conditions, safeguards or limitations based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

10.35 If the rights authorized by a variance are not exercised within one year of the date of granting of such variance, they shall lapse and may be reestablished only after notice and new hearing pursuant to this Section 10.30.

10.40 SPECIAL PERMITS

10.41 *Granting Authority.* Special permits may be granted for the Board of Zoning Appeal or by the Planning Board as specified elsewhere in this Ordinance. Each of said boards shall be considered a "special permit granting authority".

10.42 *Procedure.* A special permit shall only be issued following a public hearing held within sixty-five (65) days after filing of an application with the special permit granting authority, a copy of which shall be given to the City Clerk by the applicant. Notice of each application to the Board of Zoning Appeal for a special permit shall be transmitted forthwith to the Planning Board which shall, within thirty-five (35) days of the receipt of such notice transmit to the Board of Zoning Appeal a report accompanied by any material, maps, or plans that will aid the latter Board in judging the application and in determining special conditions and safeguards. The Board of Zoning Appeal shall not render any decision on an application for a special permit until said report has been received and considered or until the thirty-five (35) day period has expired without receipt of the report, whichever is earlier. Failure by a special permit granting authority to take final action upon an application for a special permit within ninety (90) days following the date of public hearing on said application shall be deemed to be a grant of the permit applied for.

10.43 *Criteria.* Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) It appears that requirements of this Ordinance cannot or will not be met, or

(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or

(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or

(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, or

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

10.44 *Conditions.* In acting upon special permits the special permit granting authority shall take into account the general purpose and intent of this Ordinance and, in order to preserve community values, may impose conditions and safeguards deemed necessary to protect the surrounding neighborhood, in addition to the applicable requirements of this Ordinance, such as, but not limited to, the following:

(a) Front, side or rear yards greater than the minimum required by this Ordinance.

(b) Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified walls, fences, planting, or other devices.

(c) Modification of the exterior features or appearance of the structure.

(d) Limitations of size, number of occupants, method or time or operation, or extent of facilities.

(e) Requirement of number, design, and location of access drives or other traffic features.

(f) Requirement of off street parking or other special features beyond the minimum required by this or other applicable codes or regulations.

(g) Control of the number, location, size and lighting of signs.

10.45 Any development application requiring a special permit from the Planning Board which contains:

1. one or more violations of the regulations specified in this Ordinance, other than use violations, or
2. elements requiring a special permit from the Board of Zoning Appeal,

may be allowed by the Planning Board within the scope of the Planning Board special permit and shall not require a separate application to the Board of Zoning Appeal. Any request for a use variance shall require separate proceedings before the Board of Zoning Appeal.

10.46 *Expiration.* A special permit granted under this section shall lapse within two years, including such time required to pursue or await the determination of an appeal to the Superior Court or to the Land Court as provided in Section 10.22 from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction was not begun by such date except for good cause.

10.47 *Procedure for Townhouses and Multifamily Dwellings.* An application for a special permit for a townhouse development or for a multifamily dwelling required by Section 4.31 shall also meet the requirements of this Subsection 10.47. Where this Subsection and Subsection 10.42 are in conflict, this Subsection shall control.

10.47.1 Applications for special permits shall be accompanied by three copies of a development plan containing the following graphic and written information:

(1) An accurately scaled map showing the existing conditions on the parcel on which development is proposed and on lots abutting or directly across any street from said parcel. Said map shall indicate property lines, existing structures and all trees in excess of 3" caliper.

(2) Information concerning current land use of said parcels (including the number of existing dwelling units).

(3) Photographs showing conditions on the development parcel at the time of application and showing structures on abutting lots.

(4) A site plan of the development parcel, drawn to scale, showing proposed lot subdivision, if any, the location of proposed buildings, retained and proposed vegetation, location of parking spaces, driveways, proposed curb cuts and walkways, proposed treatment of the perimeter of the parcel including techniques and materials used (screens, fences, walls) and the location of required usable open space.

(5) Front, side and rear elevations for each structure on the lot indicating building height and heights of buildings on abutting lots.

(6) Quantitative data on the proposed development including floor area ratio, floor area per unit, number of bedrooms and the amount of usable open space allocated to each unit and reserved for common use of the residents.

(7) A list of any zoning violations which would customarily require variances from the requirements of this Ordinance.

10.47.2 No application shall be accepted by the Planning Board until all of the information required in Subsection 10.47.1 is completed and included in the development plan. Any changes in the development plan by the applicant following submittal of the application, other than those which might be negotiated at the pubic hearing, shall require resubmittal of an application for a special permit.

10.47.3 Upon receipt of the application and development plans, the Planning Board shall transmit forthwith one copy of the plan to the Traffic Department. Within forty-five (45) days of receipt of the plan, the Traffic Department shall review said plan and submit a report and recommendation on the development proposal to the Planning Board. The Planning Board shall not render any decision on an application for a special permit for a townhouse development or for a multifamily dwelling subject to those requirements until said report has been received and considered or until the forty-five (45) day period has expired without the receipt of such report, which ever is earlier.

10.47.4 Criteria for approval of Townhouses and Multifamily Dwellings. In reviewing applications for townhouse developments and multifamily dwellings, the special permit granting authority shall consider and address the following site plan criteria as applicable:

(1) Key features of the natural landscape should be preserved to the maximum extent feasible. Tree removal should be minimized and other natural features of the site, such as slopes, should be maintained.

(2) New buildings should be related sensitively to the existing built environment. The location, orientation and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruptions should be avoided.

(3) The location, arrangement, and landscaping of open space should provide some visual benefits to abutters and passersby as well as functional benefits to occupants of the development.

(4) Parking areas, internal roadways and access/egress points should be safe and convenient.

(5) Parking area landscaping should minimize the intrusion of onsite parking so that it does not substantially detract from the use and enjoyment of either the proposed development or neighboring properties.

(6) Service facilities such as trash collection apparatus and utility boxes should be located so that they are convenient for resident, yet unobtrusive.

10.48 As expressly authorized in Section 9 of the Zoning Act M.G.L., Ch 40A, the following Special Permits, which authorize increases in the permissible density of population or intensity of a particular use in the proposed development, shall be subject to the provisions of Section 11.200 of this Ordinance.

Section 6.35	Reduction in required parking for nonresidential development
Section 11.108	Divergence from dimensional requirements, North Massachusetts Avenue Overlay District
Section 11.54.2(2)	Additional height, Harvard Square Overlay District
Section 11.54.4(2)	Waiver of parking and loading requirements, Harvard Square Overlay District
Section 11.54.5(b)	Exemption from yard requirements, Harvard Square Overlay District
Section 11.63.5	Parkway Overlay District
Section 11.63.7	Divergence from dimensional requirements, Parkway Overlay District
Section 11.304.2(b),(c)	Additional height, Central Square Overlay District
Section 11.304.4	Waiver of setback requirements, Central Square Overlay District
Section 11.304.6	Waiver of parking requirements, Central Square Overlay District
Section 17.13.1(b)	Additional FAR, Special District I
Section 17.17	Transfer of Development Rights, Special District I
Article 13.00	PUD Districts, all permits.

10.50 REPETITIVE PETITIONS

10.51 No appeal, application or petition which has been unfavorably acted upon by the Board of Zoning Appeal or Planning Board shall be acted favorably upon within two years after the date of final unfavorable action unless:

(a) Four members of the Board of Appeal or five members of the Planning Board, depending upon which board took the original action, vote that there are specific and material changes in the conditions upon which the previous unfavorable action was based, and describe such changes in the record of its proceedings;

(b) All but one of the members of the Planning Board consents thereto; and

(c) Notice is given to parties in interest of time and place for the proceedings on such reconsideration findings.

The granting of "leave to withdraw" after application for a variance or special permit has been advertised shall be considered unfavorable action.

ORDINANCE #1209

Final Publication Number 2806. First Publication in the Chronicle on July 30, 199.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety Eight.

AN ORDINANCE

In amendment to the "Zoning Ordinance" of the City of Cambridge.

Be it ordained by the City Council of the City of Cambridge as follows:

Amend the text of the Zoning Ordinance of the City of Cambridge by adding the following Section 11.500:

11.500 PLANNING OVERLAY REQUIREMENTS

Purpose. The purpose of this section is to provide temporarily for the review of large-scale development in order to ensure conformance with the Cambridge Growth Policy Document, 'Towards a Sustainable Future' and guarantee that the city infrastructure can support potential increases in traffic.

11.501 Term of Effect. The provisions of this Section 11.500 apply to any building permit granted between Wednesday, July 1, 1998, and Friday, October 1, 1999, inclusive.

11.502 Applicability. The provisions of this Section 11.500 apply to all new construction of 50,000 square feet or more gross floor area; and to all renovations and rehabilitations of 50,000 square feet or more gross floor area involving a change of category of use, such categories being defined as those numbered and bolded in Section 4.30 of this Ordinance. The provisions of this section also apply to any project that will bring the total construction on the lot, or any abutting lot or lots that are or have been in common ownership at any time since May 1, 1998, to 50,000 square feet or more gross floor area during the effective period of this section. This section shall not apply to any housing projects with a substantial component of affordable units (defined as more than 25% of units affordable by households making 110% or less of median income). The provisions of this section apply to all zoning districts in the city without exception.

11.510 The Planning Overlay Special Permit

11.511 A Planning Overlay Special Permit shall be required from the Planning Board for all projects subject to this Section 11.502. The Planning Bo may request reports from the Community Development Department, Conservation Commission, Historical Commission or other pertinent b and commissions regarding compliance with Growth Policies 13, 27, 3 66 as set forth in Section 11.512. Before a building permit for a proje which paragraph 11.502 applies can be issued, the project must receive "Planning Overlay Special Permit." No application for this permit wil accepted unless it is accompanied, at a minimum, by the following documents:

(a) the information required by the Large Project Submittal Requirements as described in paragraph 11.45 of this Ordinance

(b) a traffic study certified as being done in a complete and reliable manner by the Traffic and Parking Department. The required tr study shall include information on Parking Transportation Dema Management measures which may mitigate projected traffic imp Such certification must be issued or denied within ten (10) days request and must only certify the methodology used, not necessa the accuracy of the data.

(c) a certification from the Superintendent of Buildings that all other special permits and variances required for the issuance of a build permit have been granted.

11.512 Criteria for Special Permit.

(a) In granting a planning overlay special permit the Planning Board ensure that the project conforms with the following growth polic as set forth in the Cambridge Growth Policy Document, "Towar Sustainable Future":

Growth Policy #13. A pace of development or redevelopment should be encouraged that permits the maintenance of a healthy ta base, allows for adjustment and adaptation to changing economic conditions, and is consistent with the City's urban design and oth physical development objectives yet does not unreasonably disrup the daily activities of the city's neighborhoods and residents or overburden the city's water and sewer infrastructure.

Growth Policy #27. Where possible, construct new affordable housing that fits neighborhood character. In existing residential neighborhoods housing should be built at a scale, density, and character consistent with existing development patterns. Permit reconstruction of affordable housing (defined as more than 50% of units rented or owned by households at 80% or less than median income) that serves a wide range of incomes and groups at previous non-conforming density where reconstruction is less expensive than rehabilitation. Emphasize construction of affordable housing designed for families with children.

Growth Policy #39. Development patterns in all non-residential areas must be planned to minimize negative impact on abutting residential neighborhoods.

Growth Policy #66. New open space facilities, including larger ones for organized activities, should be considered for those private developments where the size of the development, the amount of land area and/or the ownership patterns provide the flexibility to accommodate such a facility without loss of economic value for other uses.

(b) Additionally, the Planning Board shall, before issuing a special permit, find that the project will have no substantial adverse impact on city traffic. In determining whether there is a substantial adverse impact, the Planning Board shall apply criteria for measuring traffic impact based on the best available measures of traffic volumes and level of service, as recommended by the Traffic, Transportation and Parking Department. These criteria shall be updated as new data on existing traffic volumes and level of service are compiled.

11.513 Enforcement. The Superintendent of Buildings will require certification from the Planning Board that it has issued a special permit to the applicant to which paragraph 11.502 applies before issuing a building permit to that applicant.

11.514 Expiration. A Planning Overlay Special Permit will expire after one (1) year if construction on the project has not begun and no extension has been granted by the Planning Board. Such extension may only be granted for good cause. If expiration takes place the Superintendent of Buildings will revoke any building permit granted under the special permit effective the date of expiration.

In City Council September 28, 1998.
Passed to be ordained as amended
by a yea and nay vote:-
Yeas 8; Nays 1; Absent 0.

ATTEST:-

D. Margaret Drury
City Clerk

the building in which they are located, or twenty-five thousand (25,000) square feet, whichever is less.

(3) Residential Uses Section 4.31 a-h shall be permitted as of right.

b. The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

17.53 *Dimensional Regulations.* The following Dimensional Regulations shall apply to all development proposals within the district.

17.53.1 Maximum FAR. The FAR applicable on any lot in the district shall not exceed 1.5 for all permitted uses. However, the applicable FAR may be increased by an additional 0.5 to a maximum of 2.0, by special permit from the Planning Board, for permitted residential uses, excluding hotels and motels, and for dormitory uses, Section 4.33 b(7).

17.53.2 Building Height Limitations. The maximum height for permitted uses shall be eighty-five (85) feet and may be increased to one hundred (100) feet for all permitted uses excluding hotels and motels after the issuance of a special permit from the Planning Board.

17.53.3 Front Yard Requirements.

a. The minimum front yard setback from Memorial Drive for the principal front wall plane for any structure shall be twenty-five (25) feet, measured from the street line. The required front yard setback shall apply to any portion of a structure below ground as well as those portions of a structure above ground.

b. The required Memorial Drive front yard shall consist entirely of green area as defined in Article 2.000 with the exception of paving necessary for vehicular access. Such paved access area shall be limited to one twenty-four (24) foot driveway for each one hundred (100) feet of lot frontage, or fraction thereof, located so as to provide the most direct access to parking facilities located elsewhere on the site. It is preferred that all vehicular access be provided from other than Memorial Drive.

c. The Memorial Drive front yard shall contain at least one three and one-half (3 1/2) to four (4) inch caliper tree for every twenty-five (25) linear feet of street frontage.

d. All other yards shall conform to the requirements of the Office 2 District, except that there shall be no front or side yard setback requirements for the existing building that lies adjacent to the northwest sideline of the Main Line railroad right of way as shown on Assessor's Plat #64.

17.54 *Off Street Parking and Loading Requirements*

17.54.1 Off street parking and loading requirements shall be as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.54.2 Minimum Parking Requirement. The minimum parking requirement shall be one space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit, and for dormitory uses, Section 4.33 b(7), one parking space for each twelve (12) beds.

17.54.3 Maximum Parking. The maximum accessory parking permitted for all uses in the district shall be one parking space for each six hundred and fifty (650) square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

17.60 **SPECIAL DISTRICT 6**

17.61 *Scope* This Section 17.60 regulates development within the Special District 6 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.60, all requirements of and regulations applicable to the Residence C-3 District shall apply equally to the Special District 6.

17.62 *Permitted Uses.* Uses permitted in the Residence C-3 District shall be equally allowed in the Special District 6 with the exception of the following:

a. The following uses shall be prohibited:

(1) Parking lot or parking garage for private passenger cars, Section 4.32 b.

(2) Hotel and Motel uses, Section 4.31 i (2).

17.63 *Dimensional Regulations*

17.63.1 Yard Requirements. There shall be no minimum yard requirements for structures within the Special District 6.

17.63.2 Maximum Height. The maximum height permitted in the district shall be one hundred (100) feet except as permitted or further restricted below:

a. In that portion of the district lying southwesterly of a line, which line is the southeasterly projection of a line one hundred feet northeasterly of and parallel to the southwesterly sideline of Reardon Street the maximum height shall be sixty (60) feet

b. The maximum height may be increased above one hundred (100) feet to a maximum of one hundred and eighty (180) feet in that portion of the district lying northeasterly of the line described in paragraph a above and between the centerline of Vassar Street and the centerline of the main line railroad right of way after the issuance of a special permit by the Planning Board, provided that portions of buildings exceeding one hundred (100) feet but not exceeding one hundred and eighty (180) feet in height contain no more than 165,000 square feet of gross floor area, in total for the entire district.

c. In granting a special permit for additional height the Planning Board shall consider the following:

1. The height of the other buildings or portions of buildings constructed in the district is reduced to significantly below the one hundred (100) foot height permitted as of right.
2. In the vicinity of Fort Washington buildings are constructed below the one hundred (100) foot height permitted or green space is created so as to increase the views from Fort Washington across the MIT campus to the river and to the Boston skyline beyond.
3. The view corridors along residential Cambridgeport streets, such as Erie and Pacific Streets, are uninterrupted by buildings, wherever possible.
4. Green space is created in the district at grade where it can be visible to the general public.
5. The buildings are distributed in the district so as to create a visual penetration as viewed from the residential Cambridgeport neighborhood to the MIT campus and to the River Beyond.

17.64 *Off Street Parking and Loading Requirements*

Off street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Residence C-3 District except as provided below.

17.64.1 Minimum Parking Requirement. The minimum parking requirement shall be one space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit, and for dormitory uses, Section 4.33 b(7) one parking space for each twelve (12) beds.

17.64.2 Maximum Parking. The maximum accessory parking permitted for all uses in the district shall be one parking space for each six hundred and fifty (650) square feet of floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

17.70 SPECIAL DISTRICT 7

17.71 *Scope.* This Section 17.70 regulates development within the Special District 7 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.70, all requirements of and regulations applicable to the Business B District as modified by the Central Square Overlay District shall apply equally to the Special District 7.

17.72 *Additional Permitted Uses*

a. The following uses shall be permitted as of right:

Assembly or packaging of articles (Section 4.37a) and manufacture, processing, assembly and/or packaging of specified articles and products (Section 4.37 b, 1-15) shall be permitted on any lot on which any one or combination of the above uses has been established on or before January 1, 1991 and which uses remain in continuous operation thereafter. Once said industrial uses have been discontinued on the lot, the lot shall only be used for those uses permitted in the Business B District.

b. The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

17.73 *Additional Height.* The maximum height permitted in the district may be increased to one hundred (100) feet by special permit from the Planning Board; all other height limitations imposed by the Central Square Overlay District shall apply.

17.74 *Off Street Parking and Loading Requirements*

17.74.1 Off street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.74.2 Minimum Parking Requirement. The minimum parking requirement shall be one space for two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

17.74.3 Maximum Parking. The maximum accessory parking permitted for all uses in the district shall be one parking space for each one thousand (1,000) square feet of floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

17.80 **SPECIAL DISTRICT 8**

17.81 *Scope* This Section 17.80 regulates development within the Special District 8 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.80, all requirements of and regulations applicable to the Industry A-1 District shall apply equally to the Special District 8.

ORDINANCE NO. 1193

Final publication number 2753. First publication in the Chronicle on August 7, 1997.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-seven

AN ORDINANCE

In amendment to the Zoning Ordinance of the City of Cambridge.

Be it ordained by the City Council of the City of Cambridge as follows:

I. Amend the text of the Zoning Ordinance of the City of Cambridge as follows, to establish new height provisions for the Industry B, Business B, Office 3, and Residence C-3 Districts.

Delete the word "none" in Column (6), Maximum Height in Feet, and substitute "120" therefore in the following Tables of Dimensional Requirements: Table 5-1 of Section 5.31, *Residential Districts*, in line "Res. C-3"; Table 5-2 of Section 5.32, *Office Districts*, in line "Office 3"; Table 5-3 of Section 5.33, *Business Districts*, in line Bus. B"; and Table 5-4 of Section 5.34, *Industrial Districts*, in line "Ind. B". Thus:

	(6) Maximum Height In Feet
Res. C-3	120
Office 3	120
Bus. B	120
Ind. B	120

II. Amend the text of the Zoning Ordinance of the City of Cambridge as follows, to establish a new height limit for residential uses in a Business A District.

In Section 5.33, *Business Districts*, delete in its entirety the existing Subsection 3 and substitute therefor the following:

3. A dwelling in a Business A district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-2 B district, except that the height limitation on lots abutting Hampshire Street shall be 65 feet.

III. Amend the text of the Zoning Ordinance of the City of Cambridge as follows, to amend the requirements of Incentive Zoning Provisions of the Ordinance.

1. In Section 11.201, *Definitions*, delete the existing definition for Covered Project and substitute therefor the following:

Covered Project shall mean that portion of projects containing uses listed in Sections 4.33 c, 4.34, 4.35, 4.36, and 4.56 d 1 subject to the provisions of the special permits listed in Section 11.202.

2. In Section 11.203, *Incentive Zoning Contributions*, delete the first two paragraphs of Subsection (a) and substitute therefor the following; the third and fourth paragraphs shall remain unaltered:

(a) Housing Contribution. For any project that is, in total, less than thirty thousand (30,000) square feet of gross floor area, no contribution shall be required.

For any project of thirty thousand (30,000) square feet of gross floor area or more, the developer shall contribute three dollars ($3.00) for every square foot of gross floor area over two thousand five hundred (2,500) square feet of that portion of the project authorized by the Special Permit that is a Covered Project.

IV. Amend the text of the Zoning Ordinance of the City of Cambridge as follows, to require notice boards to be posted on premises subject to a special permit or variance application.

1. To the end of the existing Section 10.42, *Procedure*, insert a new Section 10.42.1 to read as follows:

10.42.1 *Additional Notification Requirements*

Any applicant for a variance or special permit shall be required to erect and maintain in legible condition one or more public notification panels at the site for which the variance or special permit relief is requested. The required panels shall be secured by the applicant from the Department of Inspectional Services for those permits issued by the Board of Zoning Appeal and shall be secured from the Community Development Department for those permits issued by the Planning Board. The location of any required panel shall be located on a site plan included in the application documents, which location or locations shall be subject to the approval of those respective departments; the mechanics of its installation shall be described in those application documents. The following requirements shall apply:

(a) *Location and Number.* Panels shall be securely mounted on the subject lot at the street line or within the property, but in any case not more than twenty (20) feet from the street line. However, wherever located, the panel(s) shall be visible, easily identifiable, and legible to persons passing by on the public street, without the necessity of trespass onto private property. For lots having street frontage of two hundred (200) feet or less, one panel shall be installed. One additional panel shall be installed for each additional five hundred (500) feet of street frontage. The panels shall be exempt from any applicable limitation on accessory signs set forth in Article 7.000.

(b) *Schedule and Duration.* The required panels shall be installed as required in this Section 10.42.1 not less than fourteen days before the date of the public hearing. They shall be maintained in legible condition until a Notice of Decision has been filed with the City Clerk by the permit or special permit granting authority. Panels that are stolen, destroyed, or rendered illegible shall be promptly replaced, and panels shall be promptly removed after the Notice of Decision has been filed.

(c) *Content of Panels.* The text of the panel shall generally contain the name of the petitioner; a description of the area or premises; street address or other information adequate to identify the location or area subject to the permit petition; the date, time and place of the public hearing; the subject matter of the hearing; the nature of the action or relief requested; the place where the full application may be inspected; case number of the application; the place where written comments may be directed; the phone number of the municipal agency or contact person where further information may

be obtained. Reasonable modifications of the text requirements of this Paragraph (c) shall be permitted to enable the most important information to be provided in the most legible form.

(d) *Graphic and Construction Standards.* Panels shall not be less than 18 inches by 24 inches in dimension; they may be larger. No text on the panel shall be smaller than 12 point type. Panels shall be made of materials adequately weather resistant and durable for the time they are required to be posted.

2. In Subsection 10.33 of Section 10.30, *Variances*, delete the first sentence of the subsection in its entirety and substitute therefor the following:

A variance shall be granted only after a public hearing for which notice has been given by publication and posting as provided in Section 11, Chapter 40A, G. L., and by the installation of on-site notification panels as required in Section 10.42.1.

V. Amend the Zoning Map of the City of Cambridge by striking the existing zoning designation on the Map and inserting in its place the new zoning district designation Open Space (OS), for the following described areas.

1. Assessor's Plat 32, Lot #87 - From Residence C-1 to Open Space (Ahern field at the Kennedy School)

2. Assessor's Plat 267, Lots #271 and 275 - From Residence C-1 to Open Space (Blair Pond)

3. Assessor's Plat 246, Lot #15 - From Residence A-2 to Open Space (At Fresh Pond Parkway)

4. Assessor's Plat 171, Lot #1 - From Residence A-2 to Open Space (Cambridge Common)

5. Assessor's Plat 8, portions of Lots #75, 41, 42, 43, 52, 51, 59, 57, 34, 55, and 50 owned by the City of Cambridge - From Business A to Open Space (Lechmere Canal Park)
Assessor's Plat 9, portions of Lots #36, 37, 48 owned by the City of Cambridge - From Business A to Open Space (Lechmere Canal Park)

6. Assessor's Plat 205, Lots #41 - From Residence C-1 to Open Space (Corcoran Playground)

7. Assessor's Plat 130, Lot #121 - From Residence C-3 to Open Space (Corporal Burns Playground)

8. Assessor's Plat 103, Lots #20 and 21 - From Residence C to Open Space (Dana Park)

9. Assessor's Plat 38, that portion of Lot #1 lying between York Street and a line parallel to and 550 feet distant from the northeasterly sideline of York Street- From Residence C-1 to Open Space (Donnelley Field)

10. Assessor's Plat 66, Lot #74 - From Special District 8 to Open Space (Fort Washington)

11. Assessor's Plat 126, Lots #157 - From Residence C to Open Space (Hoyt Field)

12. Assessor's Plat 138, that portion of the Lot identified as "Public Library" that lies between the northeasterly sideline of Broadway and a line parallel to and 200 feet distant from the northeasterly sideline of Broadway, and that Lot bounded by Ellery Street, Broadway, and Lots #37, 3, and 4 and the extension of the southwesterly sideline of Lot #4 to Ellery Street - From Residence C-3 to Open Space (Library Park)

13. Assessor's Plat 98, that portion of the Lot identified as "Morse School, park land" that lies between Brookline Street and the southwesterly extension of the centerline of Rockingham Street to Memorial Drive - From Residence C to Open Space (Lindstrom Field)

14. Assessor's Plat 97, Lots #32 and 35 - From Residence C, Business A-1 and Special District 9 to Open Space (Old Morse Park)

15. Assessor's Plat 197, Lots 3 and 5, Plat #198, Lot 20 - From Residence B to Open Space (Rindge Field)

16. Assessor's Plat 129, Lot #59 - From Residence B to Open Space (Riverside Press Park)

17. Assessor's Plat 155, Lots #29 - From Residence B to Open Space (Sacramento Field)

18. Assessor's Plat 267D, Lot #322 - From Residence B to Open Space (Sancta Maria Field)

19. Assessor's Plat 88, Lots 10 - From Residence C-1to Open Space (Sennott Park)

20. Assessor's Plat 95, Lot #57 - From Special District 8 to Open Space (Soccer

Field at Pacific and Sidney Streets)

21. Assessor's Plat 260, that portion of Lot #80 between Concord Avenue and a line parallel to and 550 feet distant from the southwesterly sideline of Concord Avenue - From Residence B to Open Space (Callahan Playground and Tobin School)

In City Council September 22, 1997.
Passed to be ordained as amended by a yea and nay vote:-
Yeas 7; Nays 2; Absent 0.
ATTEST:-

D. Margaret Drury, City Clerk

ORDINANCE #1221

Final Publication Number 2834. First Publication in the Chronicle on March 18, 1999.

City of Cambridge

In the Year One Thousand, Nine Hundred

AN ORDINANCE

In Amendment to the "Zoning Ordinance of the City of Cambridge"

Amend the text of the Zoning Ordinance of the City of Cambridge by striking Section 11.511 in its entirety and replacing it with the following Section 11.511 as follows:

A Planning Overlay Special Permit shall be required from the Planning Board for all projects subject to Section 11.502. The Planning Board may request reports from the Community Development Department, Conservation Commission, Historical Commission or other pertinent boards or commissions regarding compliance with Growth Policies 13,27,39 and 66 as set forth in Section 11.512. Before a building permit for a project to which Paragraph 11.502 applies can be issued, the project must receive a "Planning Overlay Special Permit." The application for the Planning Overlay Special Permit may be simultaneous with the application to the Planning Board for other special permits. No application for this permit will be accepted unless it is accompanied, at a minimum, by the following documents:

(a) the information required by the Large Project Submittal Requirements as described in Paragraph 1.45 of this Ordinance.

(b) a traffic study certified as being done in a complete and reliable manner by the Traffic, Parking and Transportation Department. The required traffic study shall include information on Parking Transportation Demand Management measures which may mitigate projected traffic impacts. Such certifications must be issued or denied within ten (10) days of its request and must only certify the methodology used, not necessarily the accuracy of the data.

Any applicant who has been granted a special permit prior to the effective date of this amendment must apply for a "Planning Overlay Special Permit" by no later than sixty days (60) after the issuance of the original special permit.

In City Council April 5, 1999.
Passed to be Ordained as Amended
by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
ATTEST:-
D. Margaret Drury
City Clerk

Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, Off 1, Bus A (Comm), Bus A-1, A-2, Ind A-1, Ind C	Bus. C, C-1, Ind A, Off 2, Res C-2, C-2A, Res C-2B, Ind B-2, Bus A (res)	Ind B-1, Res C-3, C-3A, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category
6.36.3 Institutional Uses (continued)					
d Health Care Facilities					
1 Hospital	n/a	1 per 3 beds plus 1 per emergency or outpatient examining table, bed or facility	1 per 4 beds plus 1 per emergency or outpatient examining table, bed or facility	1 per 5 beds plus 1 per emergency or outpatient examining table, bed or facility	E
2 Infirmary	n/a	1 per 6 beds	1 per 8 beds	1 per 10 beds	E
3 Nursing home, convalescent home	n/a	1 per 6 beds	1 per 8 beds	1 per 10 beds	E
4 Clinic not affiliated with any other institution	n/a	1 per 300 sq. ft.	1 per 400 sq. ft.	1 per 500 sq. ft.	E
5 Clinic affiliated with a hospital or accredited university medical school	n/a	1 per 300 sq. ft.	1 per 400 sq. ft.	1 per 500 sq. ft.	E
6 Clinic connected to a community center	1 per 300 sq. ft.	1 per 300 sq. ft.	1 per 400 sq. ft.	1 per 500 sq. ft.	E
7 Other health care facilities	n/a	1 per 300 sq. ft.	1 per 400 sq. ft.	1 per 500 sq. ft.	E
e Social Service Facilities					
1 Social service center	1 per 600 sq. ft.	1 per 600 sq. ft.	1 per 1000 sq. ft.	1 per 1800 sq. ft.	F
2 Community center	1 per 600 sq. ft.	1 per 600 sq. ft.	1 per 1000 sq. ft.	1 per 1800 sq. ft.	F
3 Community residence	n/a[6]	n/a[6]	n/a[6]	n/a[6]	E
4 Personal Care lodging house	n/a	n/a[6]	n/a[6]	n/a[6]	E
f Local government					
1 Administrative office	n/a	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 670 sq. ft.	F
2 Fire or police station	2 per engine company for fire; 1 per 600 sq. ft. 1 per 300 sq. ft. for police	2 per engine company for fire; 1 per 600 sq. ft. 1 per 300 sq. ft. for police	2 per engine company for fire; 1 per 800 sq. ft. 1 per 400 sq. ft. for police	2 per engine company for fire; 1 per 1000 sq. ft. 1 per 670 sq. ft. for police	n/a
3 Library or museum	1 per 600 sq. ft.	1 per 600 sq. ft.	1 per 1000 sq. ft.	1 per 800 sq. ft.	F
4 Municipal service facilities	1 per 2 employees	1 per 2 employees	1 per 2 employees	1 per 2 employees	A
5 Public parks, playgrounds or public recreation building	0	0	0	0	n/a
g Other governmental facilities	n/a	n/a	n/a	n/a	n/a

Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, Off 1, Bus A (Comm), Bus A-1, A-2, Ind A-1, Ind C	Bus. C, C-1, Ind A, Off 2, Res C-2, C-2A, Res C-2B, Ind B-2, Bus A (res)	Ind B-1, Res C-3, C-3A, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category
6.36.3 Institutional Uses (continued)					
5. College or university laboratory or research facility customarily involving radioactive materials and other controlled substances, high intensity electromagnetic radiation or chemical or biological processes which could entail a high level of danger to the public health.	n/a	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	F
6. Other college or university faculty					
a. Dining halls, canteens and similar eating facilities	1 per 20 seats	1 per 20 seats	1 per 40 seats	1 per 60 seats	E
b. Administrative faculty and staff offices, teaching facilities, libraries, museums, service facilities and facilities not specified in 6.36.3-4, 5, or 8.	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 600 sq. ft 1 per 300 sq. ft	1 per 1000 sq. ft 1 per 500 sq. ft	1 per 1800 sq. ft. 1 per 1200 sq. ft.	F
7. Vocational or other schools	n/a	6 per instructional room	6 per instructional room	6 per instructional room	F
8. Group residential and related facilities					
a. Dormitories	n/a	1 per 4 beds + 1	1 per 8 beds + 1	1 per 8 beds + 1	E
b. Fraternities and sororities	n/a	1 per 2 beds	1 per 4 beds	1 per 4 beds	E
c Non-Commercial Research Facilities					
1. Laboratory or other research facility customarily involving research with radioactive materials, controlled substances, radiation or chemical or biological processes potentially entailing a high level of danger to the public health and safety	n/a	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 670 sq. ft.	F
2. Private library or study center	1 per 300 sq. ft.	1 per 300 sq. ft.	1 per 600 sq. ft.	1 per 1200 sq. ft.	F
3. Other noncommercial research facilities	n/a	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 670 sq. ft.	F

Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, Off 1, Bus A (Comm), Bus A-1, A-2, Ind A-1, Ind C	Bus. C, C-1, Ind A, Off 2, Res C-2, C-2A, Res C-2B, Ind B-2, Bus A (res)	Ind B-1, Res C-3, C-3A, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category
6.36.2 Transportation, Communication & Utility Uses (continued)					
d Truck or bus terminal, yard or building for storage or servicing of trucks, trailers or buses; parking lot for trucks	n/a	n/a	1 per 2000 sq. ft.	1 per 2400 sq. ft.	A
e Radio and television transmission station, including towers	n/a	1 per 600 sq. ft. of office space	1 per 800 sq. ft. of office space	1 per 1000 sq. ft. of office space	A
f Radio and television studio	n/a	1 per 600 sq. ft.	1 per 800 sq. ft.	1 per 1000 sq. ft.	D
g Telephone exchange, transformer station, substation, gas regulator, or pumping station	n/a[6]	1 per 600 sq. ft. of office space	1 per 800 sq. ft. of office space	1 per 1000 sq. ft. of office space	A
6.36.3 Institutional Uses					
a Religious Purposes					
1 Place of worship	1 per 5 seats or 100 sq. ft. of public floor area[7]	1 per 8 seats or 100 sq. ft. or public floor area[7]	1 per 15 seats or 300 sq. ft. of public floor area[7]	1 per 20 seats or 400 sq. ft. of public area[7]	F
2 Rectory, parsonage	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	n/a
3 Convent, monastery	1 per 4 sleeping rooms	1 per 4 sleeping rooms	1 per 4 sleeping rooms	1 per 4 sleeping rooms	n/a
4 Social or recreation center	1 per 1000 sq. ft.	1 per 1000 sq. ft.	1 per 1500 sq. ft.	1 per 2000 sq. ft.	F
5 Other use with religious purposes	1 per 1000 sq. ft.	1 per 1000 sq. ft.	1 per 1500 sq. ft.	1 per 2000 sq. ft.	F
b Educational Purposes					
1 Preschool, day care center kindergarten	3 per 2 instructional rooms, or 1 per 5 seats in the main auditorium, whichever is greater				F
2 Primary School	3 per 2 instructional rooms, or 1 per 5 seats in the main auditorium, whichever is greater				F
3 Secondary School	5 per instructional room or 1 per 5 seats in the main auditorium, which ever is greater				F
4 College or university athletic facility, auditorium, theater or similar facility, any of which is customarily accessible to the general public on a paid admission fee or other basis.	n/a	1 per 5 seats or 100 sq. ft. public floor area	1 per 15 seats or 300 sq. ft. public floor area	1 per 20 seats or 400 sq. ft. public floor area	F

Schedule of Parking and Loading Requirements

Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, Off 1, Bus A (Comm), Bus A-1, A-2, Ind A-1, Ind C	Bus. C, C-1, Ind A, Off 2, Res C-2, C-2A, Res C-2B, Ind B-2, Bus A (res)	Ind B-1, Res C-3, C-3A, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category
6.36.1 Residential Uses					
a. Detached dwelling occupied by not more than one family	1 per d.u.	1 per d.u.	1 per d.u.	1 per d.u.	n/a
b. Two family dwelling	1 per d.u.	1 per d.u.	1 per d.u.	1 per d.u.	n/a
c. Existing one-family detached dwelling converted for two families	1 per d.u.	1 per d.u.[1]	1 per d.u.[1]	1 per d.u.[1]	n/a
d. Townhouse development[2]	1 per d.u.[3]	1 per d.u.[3]	1 per d.u.	1 per d.u.	n/a
e. Elderly oriented housing, elderly oriented congregate housing	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	n/a
f. Existing dwelling converted for elderly oriented congregate housing	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	n/a
g. Multifamily dwelling	n/a	1 per d.u.[3]	1 per d.u.	1 per d.u.	n/a
h. Existing dwelling converted for more than two families	n/a	1 per d.u.[1]	1 per d.u.[1]	1 per d.u.[1]	n/a
i. Transient and nonfamily accommodations					
1. Tourist house in an existing dwelling	n/a	1 per d.u. + 1 per 4 guest rooms	1 per d.u. + 1 per 4 guest rooms	1 per d.u. + 1 per 4 guest rooms	n/a
2. Hotel	n/a	1 per 2 sleeping rooms[5]	1 per 2 sleeping rooms[5]	1 per 2 sleeping rooms[5]	E
3. Motel	n/a	1 per motel unit[5]	1 per motel unit[5]	1 per motel unit[5]	E
4. Lodging House	n/a	1 per 4 bedrooms + one	1 per 4 bedrooms + one	1 per 4 bedrooms + one	E
j. Trailer park or mobile home park	n/a	1 per d.u.	1 per d.u.	n/a	n/a
6.36.2 Transportation, Communication & Utility Uses					
a. Bus or railroad passenger station	n/a	1 per 300 sq. ft.	1 per 500 sq. ft.	1 per 900 sq. ft.	n/a
b. Automobile parking lot or parking garage for private passenger cars	n/a	n/a	n/a	n/a	n/a
c. Railroad freight terminal, railroad yards and shops	n/a	n/a	n/a	1 per 2400 sq. ft.	A

6.35 *Reduction of Required Parking.* Any required amount of parking may be reduced upon issuance of a special permit from the Board of Zoning Appeal. However, handicapped parking required by Subsection 6.34, bicycle parking required by Subsection 6.37, and commercial vehicle parking required by sub-Subsection 6.31.5 shall not be reduced. A special permit shall be granted only if the Board determines and cites evidence in its decision, that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood. In making such determination the Board shall consider whether or not less off street parking is reasonable in light of the following:

6.35.1 The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station.

6.35.2 The availability of public or commercial parking facilities in the vicinity of the use being served provided the requirements of Subsection 6.23 are satisfied.

6.35.3 Shared use of off street parking spaces serving other uses having peak user demands at different times, provided that no more than seventy-five (75) percent of the lesser minimum parking requirements for each use shall be satisfied with such shared spaces and that the requirements of Subsection 6.23 are satisfied.

Example: Office and Theater uses with peak user demands at different times. Office requires a minimum of one hundred and fifty (150) spaces and the theater requires a minimum of one hundred (100). Seventy five (75) percent of the lesser minimum requirement is seventy five (75)(75% of 100). Therefore seventy five (75) spaces can be shared but twenty five (25) (100-75) would still be required, making the total amount or required parking for both uses (150 + 25) one hundred and seventy five (175).

6.35.4 Age or other occupancy restrictions which are likely to result in a lower level of auto usage; and

6.35.5 Impact of the parking requirement on the physical environment of the affected lot or adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways.

6.36 *Schedule of Parking and Loading Requirements.* Off street parking shall be provided as shown in the following table. Where one entry is given in the table, it is the minimum requirement. All square foot measurements refer to gross floor area unless specified otherwise. The abbreviation "d.u." means dwelling unit. The abbreviation n/a means not applicable. In cases where a requirement is expressed in number of seats, twenty (20) square feet of public floor area shall equal one seat if there are no fixed seats. The final column of the table contains the loading requirement standard applicable under Section 6.80 for each use.

6.31.3 The provisions of the gross floor area definition in Article 2.000 notwithstanding, any parking spaces provided in excess of the maximum requirements specified in Section 6.36 shall be counted in determining gross floor area. In such cases a proportional share of the entire parking facility (not only the area of the spaces) shall be credited toward gross floor area. The area counted as gross floor area shall be determined by multiplying the total area of the parking facility by the percentage that the proposed number of spaces exceeds the maximum allowed number of spaces.

6.31.4 For uses not listed in Subsection 6.36, the Board of Zoning Appeal shall determine the required amount of parking if it issues a use variance for such use.

6.31.5 All commercial uses shall also be required to provide a parking space for each commercial vehicle customarily used in conjunction with the operation of such use at such location.

6.32 *Parking Exemptions*

6.32.1 *Small Business.* The minimum amount of parking required by Subsection 6.36 Schedule of Parking and Loading Requirements shall be waived for any nonresidential use in an office, business, or industrial district if such use would require four (4) or fewer spaces. However, such nonresidential use shall be located in a building or row of attached buildings which contains a total of ten thousand (10,000) square feet or less of gross floor area devoted to nonresidential use.

6.32.2 *Institutions.* Where an institution provides dormitory, fraternity, faculty, employee or other residence accommodations, the number of parking spaces provided as a result thereof may be deducted from the requirements established to satisfy the needs of classrooms, libraries, lecture halls, laboratories, similar educational areas or dining facilities normally used by such residential occupants. In order to qualify for such deduction, the institutional applicant shall submit to the Building Department the institution's current residential parking plan clearly indicating the location of all existing and proposed residential parking facilities available at the institution.

6.33 *Computation.* Where a building or lot is used by two or more activities that fall into different classes of use in Subsection 6.36, the off street parking required shall be the sum of the requirements for each individual use. Required parking spaces for accessory uses shall be determined in the same manner as for principal use. Where the computation results in a fractional number, only a fraction of one half or more shall be counted as one. Where the computation of required parking for a building with more than one class of use results in multiple fractional numbers, such fractions shall be carried to the final sum.

6.34 *Parking Space Size Allocation.* In all parking facilities required to have five or more spaces, a combination of regular and compact spaces may be provide; however, no more than fifty (50) percent of the required spaces shall be designed for compact cars (as specified in Subsection 6.42). All off street parking facilities shall contain spaces designed for handicapped access. The number of such spaces shall be determined by the requirements of the currently applicable "Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts."

(b) Off site accessory parking facilities shall be located within four hundred (400) feet of the lot being served for residential uses and within one thousand (1000) feet of the lot for other uses.

6.22.3 Accessory bicycle parking spaces required under the provisions of this Article 6.000 must be located on the same lot as the use being served or a contiguous lot in the same ownership.

6.22.4 Accessory off street parking spaces required under the provisions of this Article 6.000 need not be in the City of Cambridge.

6.22.5 Distance Measurements For Parking Facilities. In all cases where distance measurements between a lot and off site parking facilities or other specified area are specified in this Article 6.000, such distance shall be measured as a straight line from the nearest point for the lot on which the off site accessory parking is located, to the nearest transit station entrance, or to the nearest street line or other boundary of another specified area.

6.23 *Control of Off Site Parking Facilities.* Where accessory parking facilities are allowed on land other than the lot on which the use being served is located said other land shall be in identical ownership or binding commitments shall exist to guarantee, to the reasonable satisfaction of the Superintendent of Buildings or to the special permit granting authority, that the off site parking will continue to be available for the period during which the use or uses that the parking serves may be expected to be in existence. Such commitments shall be evidenced by negotiated lease agreement, recorded covenant or comparable legal instrument. Such instrument shall be duly recorded at the Middlesex County Registry of Deeds and certification of such recording provided to the Superintendent of Buildings or the special permit granting authority.

6.30 PARKING QUANTITY REQUIREMENTS

6.31 *Required Amount of Parking.* Off street parking facilities shall be provided for each use of a lot or structure in the amount specified in the schedule of parking requirements contained in Subsection 6.36. Said schedule specifies the amount of accessory off street parking required for each type of land use listed in "Table of Use Regulations" in this Ordinance. The amount of required parking is also based on the intensity of development permitted in the district in which the use is located.

6.31.1 The schedule of parking requirements in Subsection 6.36 specifies the unit of measure requiring the provision of one parking space. Square footage requirements are geared to gross floor area.

6.31.2 In general the schedule in Subsection 6.36 specifies a minimum requirement, but in some instances a maximum amount of parking is stipulated [Example: for a general office use (6.36.4 d) in a Business C district, the minimum requirement is one space per 800 square feet of gross floor area and the maximum is one space per 400 square feet of gross floor area.] Where there are two such listings the first is the minimum requirement and the second is the maximum.

6.17 *Compatibility with the E.P.A. Clean Air Regulations* In addition to the regulations contained in this Article, all off street parking facilities must comply with restrictions contained in the Transportation Control Plan for the Metropolitan Boston Interstate Air Quality Control Region as promulgated by the United State Environmental Protection Agency to the extent the same are in force and effect.

6.18 *Compatibility with Handicapped Access Rules.* In addition to the regulations contained in this Article 6.000, all off street parking facilities must comply with the currently applicable "Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts" to the extent the same are in force and effect.

6.20 **OFF STREET PARKING REGULATIONS**

6.21 *Use.* All accessory parking facilities provided in accordance with this Article shall be maintained exclusively for the parking of motor vehicles or bicycles so long as the use exists which the facilities were designed to serve. Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind, with the exception of emergency service when needed.

6.22 *Location.* All accessory off street parking facilities shall be located in accordance with the provisions of subsections 6.22.1, 6.22.2 and 6.22.3.

6.22.1 Accessory off street parking facilities may be located on the same lot as the use being served or on another lot that has the same or less restrictive zoning classification as the lot on which the use being served is located in accordance with the following conditions:

(a) (1) said other lot is contiguous to the lot on which the use being served is located; or

(2) said other lot is within three hundred (300) feet of the lot on which the use being served is located and the use being served is nonresidential; or

(3) said lot is within three thousand (3000) feet of the lot on which the use being served is located, such use is an institutional use listed in Subsection 6.36.3b and said use is located within a five acre area containing one or more lots, contiguous except for streets, owned by a single institution; and

(b) said lot is not now and was not within the past five (5) years the location of a preferably preserved significant building (as defined in the General Ordinances of Cambridge) as determined by the Cambridge Historical Commission.

(c) however, no off site accessory parking facilities shall be allowed to meet the requirements for Subsection 6.36.5h "Theatre or hall for public gatherings".

6.22.2 The Board of Zoning Appeal may grant a special permit for off site accessory parking not allowed in Subsection 6.22.1 (a) provided that convenient and safe access from the parking facility to the use being served is provided in accordance with the following conditions:

(a) No off site accessory parking facility may be located on a lot which has a more restrictive zoning classification than the lot on which the use being served is located.

Use Categories	Inside Institutional Overlay Districts Existing Lot Status (1)	(2)	(3)	Outside Institutional Overlay Districts Existing Lot Status (1)	(2)	(3)
4. Clinic not affiliated with any other institution	SP[4]	SP	Yes	No	SP	SP[5]
5. Clinic affiliated with a hospital or an accredited university medical school	SP[4]	SP	SP	No	No	No[6]
6. Clinic connected to a community center	SP[4]	SP	Yes	No	SP	SP[5]
7. Other health care facility	SP[4]	SP	Yes	No	SP	SP[5]
f. Social Service Facilities						
1. Social service center	SP[4]	Yes	Yes	No	SP	SP[5]
2. Community Center	SP[4]	SP	SP	No	No	No[6]
g. Local Government [2]						
1. Administrative office	SP[4]	SP	SP	No	No	No[6]
2. Fire or police station	SP[4]	SP	Yes	No	SP	SP[5]
3. Library or museum	SP[4]	SP	Yes	No	SP	SP[5]
4. Municipal service facility	SP[4]	SP	SP	No	No	No
5. Public park, playground, or public recreation building	SP[4]	Yes	Yes	SP[4]	Yes	Yes
h. Other Governmental Facility	Yes	Yes	Yes	Yes	Yes	Yes
i. Other Institutional Uses						
1. Club, lodge, or other fraternal or sororal meeting facility	SP[4]	SP	Yes	No	SP	SP[5]
2. Museum or noncommercial gallery [3]	SP[4]	Yes	Yes	No	SP	SP[5]
3. Cemetery	SP[4]	Yes	Yes	No	Yes	Yes
4. Institutional use not listed in any other category	SP[4]	SP	SP	No	SP	SP[5]

FOOTNOTES TO TABLE OF INSTITUTIONAL REGULATIONS

1. Other college or university facility shall include administrative offices, faculty and staff offices, teaching and research facilities not included in Subsection 4.56c(4) or c(5), libraries, museums, dining halls and service facilities including facilities listed in Subsection 4.56c(4) which are not accessible to the general public.
2. Local government shall include all nonresidential facilities and activities of the City of Cambridge, the Cambridge Housing Authority, Cambridge Redevelopment Authority and their component agencies, but shall not include public schools.
3. This use designation shall include facilities for cultural and ethnic heritage appreciation.
4. The Board of Zoning Appeal shall grant a special permit for this use only if the applicant demonstrates that he will act to replace indefinitely the dwelling units removed from the lot or converted to institutional use with an equivalent number of units, not previously on the housing market, at another location or locations within the City of Cambridge, before the units are removed or converted, and only if the

4.56 TABLE OF INSTITUTIONAL USE REGULATIONS

Use Categories	Inside Institutional Overlay Districts Existing Lot Status (1)	(2)	(3)	Outside Institutional Overlay Districts Existing Lot Status (1)	(2)	(3)
a. Religious Purposes						
1. Place of Worship	SP[4]	Yes	Yes	No	SP	Yes
2. Rectory, parsonage	SP[4]	Yes	Yes	No	SP	Yes
3. Convent, monastery	SP[4]	Yes	Yes	No	SP	Yes
4. Social or recreational center	SP[4]	Yes	Yes	No	SP	SP[5]
5. Other use with religious purposes	SP[4]	Yes	Yes	No	SP	Yes
b. Use of Land or Structure for Educational Purposes on Land Owned or Leased by the Commonwealth or any of its Agencies, Subdivisions or Bodies Politic	Yes	Yes	Yes	Yes	Yes	Yes
c. Use of Land or Structure for Educational Purposes on Land Owned or Leased by Entities not included in Subsection 4.56b						
1. Pre-school, day care center or kindergarten	SP[4]	Yes	Yes	No	SP	Yes
2. Primary School	SP[4]	SP	Yes	No	SP	SP[5]
3. Secondary School	SP[4]	SP	SP	No	No	No
4. College or university athletic facility, auditorium, theater or similar facility, any of which is customarily accessible to the general public on a paid admission fee or other basis	SP[4]	SP	SP	No	No	No[6]
5. College or university laboratory or research facility customarily involving radioactive materials and other controlled substances, high intensity electromagnetic radiation or chemical or biological processes potentially entailing a high level of danger to the public health and safety.	SP[4]	SP	SP	No	No	No
6. Other College or university facility [1]	SP[4]	SP	Yes	No	No	No[6]
7. Vocational or other schools	SP[4]	SP	Yes	No	SP	SP[5]
8. Dormitory, resident fraternity or sorority	SP[4]	SP	SP	No	No	No[6]
d. Non-Commercial Research Facilities						
1. Laboratory or other research facility customarily involving research with radioactive materials, controlled substances, high intensity electromagnetic radiation or chemical or biological processes potentially entailing a high level of danger to the public health and safety	SP[4]	SP	SP	No	No	No
2. Private library, study center or other research facility	SP[4]	SP	Yes	No	SP	SP[5]
e. Health Care Facilities						
1. Hospital	SP[4]	SP	SP	No	No	No
2. Infirmary	SP[4]	SP	Yes	No	SP	SP[5]
3. Nursing or Convalescent home	SP[4]	SP	Yes	No	SP	SP[5]

4.54.5 The Shady Hill School, and Buckingham, Browne, and Nichols School District.

4.54.6 The Matignon School District

4.54.7 The Cambridge Street Health Center District

4.54.8 The Massachusetts Institute of Technology District.

4.55 *Existing Lot Status.* The institutional use of land or structures for each category of institutional activity in a Residence A-1, A-2, B, C and C-1 district shall be governed by the Table of Institutional Use Regulations in Subsection 4.56. The institutional use regulation in the table shall be the same in the aforementioned five (5) zoning districts, but shall differ according to : (1) the applicable use category, (2) the location of the lot in relation to the Institutional Overlay Districts, and (3) the status of the lot in relation to its existing or recent use. If two or more of the lot status types listed below would pertain to the proposed development of an institutional use, then the more restrictive designation among the types of lot status for the use would apply. The column heading in Subsection 4.56 refers to the types of lot status listed in Subsection 4.55.1 and applies to institutional development whether by conversion of an existing structure or lot or by new construction or new use of a lot.

4.55.1 The Existing Lot Status pertaining to the proposed institutional development shall be defined according to one of the following three types:

(1) A lot which contains a residential use listed in Subsection 4.31, or which is vacant and which within the twenty-four (24) month period prior to the date of permit application, but subsequent to March 23, 1980, contained such residential use;

(2) A lot which contains any use other than those residential and institutional uses listed in Subsection 4.31 or 4.33, or which is vacant and did not within the twenty-four (24) month period prior to the date of permit application, but subsequent to March 23, 1980, contain a use listed in Subsection 4.31 or 4.33; or

(3) A lot which contains an institutional use listed in Subsection 4.33, or which is vacant and which within the twenty-four (24) month period prior to the date of permit application, but subsequently to March 23, 1980, contained such institutional use.

4.50 NSTITUTIONAL USE REGULATIONS

4.51 *Legal Authority.* In accordance with Chapter 565 of the 1979 General Court, and as amended by Chapter 387 of the Acts of 1980, the use of land for institutional purposes in residentially zoned districts which require a lot of one thousand two hundred (1,200) square feet or more per dwelling unit shall be governed by the provisions of this Section 4.50.

4.52 *Purpose.* It is the purpose of this Section 4.50 to protect low density residential neighborhoods from unlimited expansion of institutional activities, to reduce pressures for conversion of the existing housing stock to nonresidential uses, to minimize the development of activities which are different from and incompatible with activity patterns customarily found in lower density residential neighborhoods and to provide a framework for allowing those institutions which are compatible with residential neighborhoods to locate and expand there. This Section 4.50 is intended to accomplish these purposes in a manner consistent with the findings and objectives of the Community Development Department's *Cambridge Institutional Growth Management Plan (1981).*

4.53 *Approach.* This Section 4.50 establishes special use regulations for institutional activities in the Residence A-1, A-2, B, C and C-1 zoning districts. These regulations encompass the full range of institutional uses. Each use is regulated based on its expected physical impacts on nearby residences, on the existing or recent use of the lot or structure proposed for such use, and on the location of the lot either within or outside of an area in which there has already been extensive institutional development.

4.54 *Institutional Overlay District.* The designation Institutional Overlay District is hereby established on the Zoning Map as provided for in Subsection 3.12. An Institutional Overlay District delimits an area where there has been extensive contiguous development of institutional use types subject to regulation under this Section 4.50. Institutional Overlay Districts are defined in order to identify areas where prior development patterns create a precedent for more flexible institutional use regulation than in areas where non institutional uses predominate. The conditions regarding development of new or expanded institutional uses under Subsections 4.55 and 4.56 are determined in part by whether a lot is located inside or outside an Institutional Overlay District. The boundaries of these districts are drawn based on several physical factors; consequently, for purposes of definitional clarity, they encompass areas both inside and outside zoning districts subject to use regulation under this Section 4.50. Regardless of the location of an Institutional Overlay District boundary , the special institutional use regulations of this Section 4.50 shall only apply within the Residence A-1, A-2, B, C and C-1 districts. The following Institutional Overlay Districts are hereby established on the Zoning Map.

4.54.1 The Harvard, Radcliffe, Lesley District

4.54.2 The Episcopal Divinity School District.

4.54.3 The Observatory Hill District.

4.54.4 The Mount Auburn Hospital District

48. This use designation shall include facilities for cultural and ethnic heritage appreciation.

49. But not including a tower facility as a principal use, serving multiple operators, or as a freestanding structure on a lot.

In reviewing a special permit application for mobile communications facilities in particular, the Board of Zoning Appeal shall consider the following in reaching its determination:

1. The scope of or limitations imposed by any license secured from any state or federal agency having jurisdicaiton over such matters.

2.. The extent to which the visual impact of the various elements of the proposed facility is minimized: (1) through the use of existing mechancial elements on a building's roof or other features of the building as support and background, (2) through the use of materials that in texture and color blend with the materials to which the facilities are attached, or (3) other effective means to reduce the visual impact of the facility from off the site.

3. Where it is proposed to erect such a facility in any residntial zoning district, the extent to which there is a demonstrated public need for the facility at the proposed locations, the existence of alternative, functionally suitable sites in nonresidential locations, the character of the prevailing uses in the area, and the prevalence of other, existing mechanical systems and equipment carried on or above the roof of nearby structures. The Board of Zoning Appeal shall grant a special permit to erect such a facility in a residential zoning distrct only upon a finding that nonresidential uses predominate in the vicinity of the proposed facility's location and that the telecommunication facility is not inconsistent with the character that does prevail in the surrounding neighborhood.

In granting a special permit the Board of Zoning Appeal shall set forth in its decision under which circumstances or procedures, if any, the permittee shall be allowed to replace and upgrade its equipment without the necessity of seeking a new special permit.

50. Subject to the requirements of Section 4.28.

51. Deleted.

52. Uses so permitted in existence as of July 1, 1988 may continue and expand, within the dimensional limits of Section 5.34, without the granting of a special permit.

53. No in Business C-1 districts

and Industry C districts or at a distance of five hundred (500) feet from the premises in Industry B and B-1 districts.

35. Provided that such products are made from purchased paper or purchased paperboard and that there is no manufacture or process of pulp, waste paper or waste paper products.

36. Provided that all work is carried out inside the building.

37. Provided that in Business, Industry A-1 and Industry districts all servicing and repairs are carried out inside the building.

38. Provided that the area so used is surrounded by a six foot high wall or tight fence.

39. Provided that all dust incident to storage or handling is effectively confined to the premises or so disposed of so as to avoid air pollution and that the area so used is surrounded by a six foot high wall or tight fence.

40. Subject to the Building Department and Health Department regulations and further provided that

    (a) all dust, fumes, odors, smoke or vapor are effectively confined to the premises or so disposed of as to avoid air pollution, and

    (b) any noise, vibration or flashing are not normally perceptible without instruments at a distance of five hundred (500) feet from the premises, fifty (50) feet from the premises in an Industry A-1 district or one hundred (100) feet from the premises in an Industry A-2, Industry B-2 or an Industry C district.

41. Except such processing as may be conducted by the City of Cambridge.

42. Storage of flammable liquids or gas permitted by the Building Code.

43. Except that in Residence C and C-1 districts this use shall be subject to the regulations of Section 4.50, Institutional Use Regulations.

44. Unless explicitly stated to the contrary elsewhere in this Ordinance, all bulk, height, yard, lot area, setback, open space, parking, sign and building coverage requirements shall be considered reasonable regulations under Section 3, Chapter 40A, G.L., and shall apply to all uses and facilities which have educational purposes and which are protected by said statute.

45. This use designation shall include all uses and facilities listed in Subsection 4.56(c)4, 5, and 6.

46. Any dormitory, fraternity, or sorority which is not exempt by statue shall not be allowed in the Office 1 district and shall require a special permit from the Board of Zoning Appeal in the Office 2 and Industry B districts. Such uses shall only be permitted as part of a planned unit development (PUD) in the Industry C district.

47. Local government shall include all nonresidential facilities and activities of the City of Cambridge, the Cambridge Housing Authority, Cambridge Redevelopment Authority and their component agencies, but shall not include public schools.

21. May include related teaching facilities and offices for its medical staff not to exceed twenty-five (25) percent of the gross floor area of the hospital.

22. Where facilities are primarily used by faculty and students and where the public is admitted on payment of a fee.

23. Where all display and sales are conducted within a building or where a permit has been issued by City Council for an outdoor sale, and where no manufacturing assembly, or packaging occur on the premises, except in Industrial districts as permitted elsewhere in this Ordinance.

24. Provided that the establishment is located in a structure also containing retail uses, and that no establishment shall exceed two thousand five hundred (2,500) square feet gross floor area.

25. Provided that at least fifty (50) percent of such merchandise is sold at retail on the premises and that all display and sales are conducted within a building.

26. Provided that only nonflammable solvents are used for cleaning and not more than nine (9) persons are employed.

27. Provided that no alcoholic beverages are sold or consumed on the premises. Such establishments shall not exceed two thousand five hundred (2,500) square feet in the Industry A-1 districts.

28. Such establishments shall not exceed two thousand five hundred (2,500) square feet in Industry A-1 districts.

29. Provided that, in Business A and B zones, all animals are kept indoors and that no noise or odors are perceptible from adjoining lots.

30. Conducted entirely within a building and provided no major repairs are made.

31. Where not more than twenty-five (25) percent of the floor area is used for assembling, packaging, or storage of merchandise.

32. Provided that in Business and Industry C districts all lubrication and repairs are carried out within the building and further provided that in Industry C districts, the service station will be located within or attached to a parking garage or other structure as an accessory use.

33. Provided that no such article exceeds two hundred (200) pounds in weight and provided that no manufacturing or processing is carried out.

34. Provided that the following restrictions shall apply.

    (a) in Industry A, A-1, A-2, and B-2 districts any fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

    (b) in Industry A, A-1, A-2, B-2 and C districts no process shall involve coating with rubber,

    (c) all dust, fumes, odors, smoke or vapors are effectively confined to the premises or disposed of so as to avoid air pollution and,

    (d) any noise, vibration or flashing is not normally perceptible without instruments at a distance of fifty (50) feet from the premises in Industry A-1 districts, at a

4.40 FOOTNOTES TO THE TABLE OF USE REGULATIONS

1. Planning Board special permit in the Office 2 district
2. Provided that in Residence A districts the exterior design of the structure is not changed.
3. Planning Board Special Permit for developments specified in Section 11.12.
4. Only in accordance with the requirements of Section 13.10.
5. Planning Board special permit for dwellings specified in Section 4.26.
6. No in the Office 1 District.
7. No in the Residence C and Residence C-1 Districts.
8. No towers in Industry A-1 Districts.
9. Yes in a Residence C-3A District subject to the limitations specified in Section 5.31.
10. Except in a Business B District, this use shall be subject to the limitations specified in Section 4.27.
11. In accordance with the requirements of Section 4.25.
12. Yes in an Office 2 District provided that the establishment is located within a building principally containing uses listed in Subsection 4.34 and that the total gross floor area of all establishments included under items 4.35e and 4.35f in this table do not exceed ten (10) percent of the gross floor area of the building. However, this ten (10) percent floor area limitation shall not apply to a cafeteria or other eating/drinking facility which is accessory to permitted uses in a building or associated group of buildings in the same ownership and which is intended primarily for employees of those uses and their guests.
13. No in the Business B-1 and Business B-2 Districts.
14. Board of Zoning Appeal special permit in the Industry B-2 District.
15. Provided that in Residence A districts the exterior design of the structure is not changed.
16. See also Section 5.26.
17. Provided that in the Residence A districts the exterior design of the structure is not changed unless a special permit is granted by the Planning Board.
18. Where not an accessory use, and no repairs, servicing, or sale of gasoline is carried out.
19. Unless explicitly stated to the contrary elsewhere in this Ordinance, all bulk, height, yard, lot area, setback, open space, parking, sign and building coverage requirements shall be considered reasonable regulations under Section 3, Chapter 40A, G.L., and shall apply to the uses in this Subsection 4.33a.
20. Noncommercial research facilities shall include laboratories and other research facilities or educational institutions which supply services for a fee to persons other than enrolled students. No manufacturing shall be permitted on the premises unless the noncommercial research facility is located within a district that would customarily permit such manufacturing under the provisions of Subsection 4.37 or 4.38 of the Table of Use Regulations.

	Open Space	Res A 1&2	Res B	Res C, C-1, 2, 2A 2B, 3, 3A	Off 1,2,3, 3A	Bus A-1, A-2	Bus A	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
4.34 Office and Laboratory Use														
a. Office of a physician, dentist or other medical practitioner not located in a clinic listed under Subsection 4.33(d).	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
b. Office of an accountant, attorney, or other non-medical professional person (includes properly licensed massage therapists)	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
c. Real Estate, Insurance or other agency office	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
d. General office use	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
e. Bank, trust company or similar financial institution	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	SP	Yes	Yes
f. Technical office for research and development, laboratory & research facility subject to the restrictions in Section 4.21m	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
4.35 Retail Business and Consumer Service Establishments														
a. Store for retail sale of merchandise [23]														
1. Establishment providing convenience goods such as drug stores, food stores, tobacco, newspaper and magazine stores, variety stores, and liquor stores. [24]	No	No	No	No	No	Yes	Yes	Yes[10]	Yes	Yes	Yes	No	Yes	Yes
2. Other retail establishments	No	No	No	No	No	Yes	Yes	Yes[10]	Yes	SP	Yes	No	Yes	PUD[4]
b. Place for the manufacturing, assembly or packaging of consumer goods [25]	No	No	No	No	No	SP	SP	Yes[10]	Yes	Yes	Yes	SP	Yes	Yes
c. Barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self-service laundry or other similar establishment	No	No	No	No	No	Yes	Yes	Yes[10]	Yes	Yes	Yes	No	Yes	Yes
d. Hand laundry, dry cleaning or tailoring shop [26]	No	No	No	No	No	Yes	Yes	Yes[10]	Yes	Yes	Yes	No	Yes	Yes
e. Lunchroom, restaurant, cafeteria [27]	No	No	No	No	No[12]	Yes	Yes	Yes[10]	Yes	Yes	Yes	No	Yes	Yes
f. Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided														
1. Lunchroom, restaurant, cafeteria	No	No	No	No	No[12]	Yes	Yes	Yes[10]	Yes	Yes[28]	Yes	No	Yes	Yes
2. Bar, saloon, or other establishment serving alcoholic beverages but which is not licensed to prepare or serve food	No	No	No	No	No[12]	Yes	Yes	Y[11]	Yes	SP[28]	Yes	No	Yes	SP

		Open Space	Res A 1&2	Res B	Res C, C-1, 2, 2A 2B, 3, 3A	Off 1,2,3, 3A	Bus A-1, A-2	Bus A	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
d	Health Care Facilities														
	1 Hospital [21]	No	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
	2 Infirmary	No	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP	Yes	Yes
	3 Nursing or convalescent home	No	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
	4 Clinic not affiliated with any other institution	No	IUR	IUR	No [43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	No	Yes	PUD
	5 Clinic affiliated with a hospital or an accredited university medical school	No	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	No	Yes	PUD
	6 Clinic connected to a community center	No	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	No	Yes	PUD
	7 Other health care facility	No	IUR	IUR	No [43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	No	Yes	PUD
e	Social Service Facilities														
	1 Social service center	No	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	PUD
	2 Community Center	No	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	PUD
f	Local Government [47]														
	1 Administrative Office	No	IUR	IUR	No [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	2 Fire or police station	Yes [11]	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	3 Library or museum	SP [11]	IUR	IUR	Yes [43]	Yes	Yes	Yes,	Yes	Yes	Yes	Yes	No	Yes	PUD
	4 Municipal service facility	SP [11]	IUR	IUR	No [43]	SP	No	SP	SP	SP	SP	Yes	Yes	Yes	PUD
	5 Public park, playground or public recreation building	Yes	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Ye	Yes	Yes	Yes	Yes
g	Other Governmental Facility	Yes	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
h	Other Institutional Uses														
	1 Club, lodge or other fraternal or sororal meeting facility	No	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	PUD
	2 Private library, museum or noncommercial gallery [48]	SP [11]	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	PUD
	3 Cemetery	Yes [11]	IUR	IUR	Yes [43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
	4 Institutional use not listed in any other category	No	IUR	IUR	No [43]	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

		Open Space	Res A 1&2	Res B	Res C, C-1, 2, 2A 2B, 3, 3A	Off 1,2,3, 3A	Bus A-1, A-2	Bus A	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
g.	Utilities														
1	Telephone exchange (including switching, relay and tranmission facilities serving mobile communications systems) and any towers or antennas accessory thereto[49]	No	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
2	Transformer station, substation, gas regulator station, or pumping station	No	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
h.	Helipad or Airport	No	No	No	No	No	No	No	No	No	No	No	No	No	No
4.33	**Institutional Uses**														
a.	Religious Purposes [19]														
1	Place of worship	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	Rectory, parsonage	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	Convent, monastery	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	Social or recreation center	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5	Other use with religious purposes	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
b.	Educational Purposes														
1	Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic - by a religious sect or denomination or by a nonprofit educational corporation [44]	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	Preschool, day care center, kindergarten, not exempt by statute	No	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	SP	Yes	PUD
3	Primary school, not exempt by statute	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	SP	Yes	PUD
4	Secondary school, not exempt by statute	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	SP	Yes	PUD
5	College or university not exempt by statute [45]	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	SP	Yes	PUD
6	Vocational or other schools not exempted by statute	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	SP	Yes	PUD
7	Dormitory, resident fraternity or sorority	No	IUR	IUR	Yes[43]	Yes[46]	Yes	Yes	Yes	Yes	No	SP	No	SP	PUD
c.	Noncommercial Research Facility [20]	No	IUR	IUR	SP[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

4.30 TABLE OF USE REGULATIONS

		Open Space	Res A 1&2	Res B	Res C, C-1, 2, 2A 2B, 3, 3A	Off 1,2,3, 3A	Bus A-1, A-2	Bus A	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
4.31	**Residential Uses**														
a	Detached dwelling occupied by not more than one family	No	Yes	Yes	Yes	Yes[1]	Yes	Yes	Yes	Yes	Yes	No	No	No	No
b	Two family dwelling	No	No	Yes	Yes	Yes[1]	Yes	Yes	Yes	Yes	Yes	No	No	No	No
c	Existing one-family detached dwelling converted for two families [15] [16]	No	Yes[2]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No
d	Townhouse development	No	No	Yes[3]	Yes[3]	Yes[1,3]	Yes[3]	Yes	Yes	Yes	PB	No	No	No	PUD[4]
e	Elderly oriented congregate housing	No	PB	PB	Yes[5]	Yes[5]	Yes[5]	Yes	Yes	Yes	Yes[5]	No	No	No	PUD[4]
f	Existing dwelling converted for elderly oriented congregate housing [17]	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No
g	Multifamily dwelling	No	No	No	Yes[5]	Yes[1,5]	Yes[5]	Yes	Yes	Yes	PB	No	No	No	PUD[4]
h	Existing dwelling converted for more than two families [16]	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No
i	Transient accommodations														
	1 Tourist house in an existing dwelling	No	No	No	Yes	Yes[1]	No	SP	Yes	Yes	SP	SP	No	SP	SP
	2 Hotel or motel	No	No	No	Yes[7]	Yes[1,6]	No	SP	Yes	Yes[53]	No	SP	No	SP	PUD[4]
	3 Lodging House	No	No	No	Yes[7]	Yes[1,6]	Yes	Yes	Yes	Yes	SP	SP	No	SP	No
j	Trailer Park or mobile home park	No	No	No	No	No	SP	SP	No	No	No	No	No	No	No
4.32	**Transportation, Communication & Utility Uses**														
a	Bus or railroad passenger station	No	No	No	No	No	Yes	Yes	Yes	Yes	SP	Yes	Yes	Yes	Yes
b	Automobile parking lot or parking garage for private passenger cars [18]	No	No	SP	SP	Yes	SP	SP	Yes	Yes	Yes	Yes	Yes	Yes	Yes
c	Railroad freight terminal, railroad yard and shops	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No
d	Truck or bus terminal, yard or building for storage or servicing of trucks, trailers or buses, parking lot for trucks	No	No	No	No	No	No	No	No	No	No	SP	No	Yes	No
e	Radio and Television transmission station, including towers	No	No	No	No	No	No	No	No	No	SP[8]	SP	No	SP	SP
f	Radio and television studio	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes

(3) provision of seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and

(4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on premises.

Floor Area Ratio. The ratio of gross floor area of a structure to the total area of the lot.

Floor area Gross. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls [except in (7) and (8) below where only interior space shall be measured] of a building or the centerline of party walls between buildings.

Gross Floor Area shall include:

(a) roofed porches and balconies whether enclosed or unclosed.

(b) unroofed porches and balconies above third floor;

(c) elevator shafts and stairwells on each floor, not excluded in (6) below;

(d) attic space, whether finished or unfinished, within the area of a horizontal plane that is five (5) feet above the attic floor and which touches the side walls and/or the underside of the roof ratters and which is not excluded in (5) below.

(e) interior balconies, mezzanines, and penthouses; and

(f) basement and cellar areas not excluded in (1), (2), and (8) below.

Gross Floor Area shall not include:

(1) areas used for parking garages, accessory parking or off street loading purposes;

(2) basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;

(3) open and lattice-work fire escapes;

(4) unroofed porches and balconies no higher than the third floor;

(5) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building;

(6) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;

(7) attic space not otherwise included in (d) above.

(8) basement and cellar spaces with less than seven (7) feet of celing height measured from the floor to the line of the bottom of the floor joists, or to any subfloor or finished surface above any floor joists that are spaced not less than four (4) feet on center, and further provided that the basement or cellar is not a Story Above Grade as defined in the State Building Code.

In a building with more than two floors, the area of each floor level of any interior courtyard whether or not covered by a roof, which has a minimum dimension of less than forty (40) feet in any direction shall be included unless twenty (20) percent or more of the perimeter of such court yard at each floor level measured consecutively is not enclosed.

Dwelling unit. A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary faculties for the exclusive use of such family for living, sleeping, cooking and eating.

Educational purposes, exempt by statute. Educational purposes exempted from prohibition, regulation, or restriction as provided in Section 3, Chapter 40A, G.L.

Elderly Oriented Congregate Housing. A form of elderly oriented housing in which each individual or two person family is provided with separate quarters which contain living and sleeping space and which may contain kitchen and bath facilities. Each such living space shall be considered the equivalent of one dwelling unit. Such housing shall also contain common dining, kitchen and social facilities. Limited supportive services may also be provided.

Elderly Oriented Housing. A residential building where a minimum of eighty (80) percent of the dwelling units are restricted to families of not more than two persons with (i) at least one member sixty-two (62) years of age or older, or (ii) at least one member who has a chronic physical impairment which substantially reduces his or her ability to live independently and is of such a nature that the quality of his or her life would be improved by more suitable housing, and where the certificate of occupancy issued by the Superintendent of Buildings is so restricted. The certificate shall be renewed every two years and shall be issued initially and renewed only upon submission of evidence that priority in occupancy be given to residents of Cambridge.

Family. One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the "Fair Housing Amendments Act of 1988." Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family in the first paragraph of this definition.

Fast Order Food. Food which is (a) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast Order Food Establishment. A specific operation separate and distinct from any other operation in the location occupied and in the kind of Fast Order Food sold, and which:

(a) has as its primary business the sale to the public of Fast Order Food for consumption on or off the premises, and

(b) does not meet all of the following conditions:

(1) provision of nondisposable plates, cups and utensils to all patrons,

(2) availability of printed individual menus for all patrons,

charged and which is operated for profit. As used in this Ordinance, commercial recreation does not include a restaurant, bar, dance hall, theater, or private club with admission to facilities by limited membership only.

Community Center. A multipurpose family center, community facility or other social service establishment not elsewhere classified in this Ordinance where a variety of recreational, educational, social, health care or counseling services are provided under the aegis of a non-profit agency.

Cornice Line. The line which marks the horizontal edge at the top of the principal front wall plane of a structure.

Development Parcel. The total land included within a Planned Unit Development, irrespective of the number or configuration of lots. A development parcel may include land in more than one ownership. In computing the area of a development parcel, both land and water areas within such parcel may be counted. A development parcel shall contain contiguous lots only, unless the regulations for a specific planned unit development district explicitly provides for development parcels containing non-contiguous lots. However in no instance shall non-contiguous lots be separated by more than twelve-hundred (1200) feet measured in a straight line from lot to lot.

District. A section of the City for which the zoning regulations governing the use of land, the use of buildings and premises, and the permitted height of buildings, and the area of open space about the buildings are uniform.

Dormitory. Any dwelling (other than a sorority or fraternity house) owned or controlled by an educational institution and occupied primarily as a place of temporary residence for persons whose permanent residence is elsewhere and who are employed or enrolled at the educational institution.

Dwelling. A building or structure used in whole or in part for human habitation, but not a trailer.

Dwelling, detached. A dwelling with no party wall or walls arranged, intended or designed as the home or residence of one family.

Dwelling, multifamily. A building arranged, intended or designed to contain three or more dwelling units. However, any such building which consists of two or more semi-detached dwellings shall be considered a townhouse development and shall be subject to the requirements of Section 11.10, whether or not subdivided lots are to be created.

Dwelling, semi-detached (or Townhouse or Row House). One of a series of buildings with a party wall or walls, common to adjoining buildings, which is constructed so that two opposite building faces, or in the case of corner units two adjoining faces, (applicable to the building as a whole and for each unit contained therein) have full outside exposure and so that each has separate entrances from the outside, and each building of which is arranged, intended or designed as the home or residence of one or two families.

Dwelling, two-family. A dwelling arranged, intended or designed as the home or residence of two families, each family occupying a single dwelling unit.

ARTICLE 2.000 DEFINITIONS

For the purpose of this Ordinance certain words and terms are hereby defined. The definitions set forth in the State Building Code are also applicable, where appropriate, with respect to words and terms not defined herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "lot" includes "plot", the word "building" includes "structure" ; the word "occupied" includes "designed, arranged," or "intended to be occupied" . Where the verb "use" is employed it shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented, or leased to be used", the word "shall" is mandatory and "may" is permissive or discretionary.

Accessory Apartment. An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as a single family detached dwelling and designed for the occupancy of a single family.

Accessory Building. A building subordinate to, and located on the same lot (or on an abutting lot in the same ownership) as the main or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

Accessory Use. A use subordinate to the principal use and customarily incidental to the principal use.

Art/Craft Studio. A room or group of rooms used by artists and craftspeople in the creation of their work, including: painting, photography, sculpture, ceramics and other related arts and crafts.

Automatic Amusement Device. Any mechanism whereby, through the insertion of a coin or token, any apparatus is released or set in motion or is put in a position where it may be in motion for the purpose of playing any game, involving in whole or in part , the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, including free play pinball machines.

Automobile Oriented Fast Order Food Service Establishments. A fast order food service establishment which provides a greater number of parking spaces than is required by the Zoning Ordinance.

Bakery, retail. The sale of breads, pastries, cakes, pies and similar baked goods for consumption by the final customer at home whether or not final baking occurs on premises.

Building. Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Clinic. An institution licensed under Sec. 51, Chapter 111, G.L., for the purpose of providing medical, surgical, dental, or restorative or mental hygienic services to persons not residing therein.

Commercial Recreation. A bowling alley, skating or skateboard rink, pool hall, billiard parlor, establishment containing more than three pinball machines or similar automatic amusement devices, game room, or other establishment where entertainment or recreation services are provided to the general public, wholly in an enclosed building, and for which user fees are

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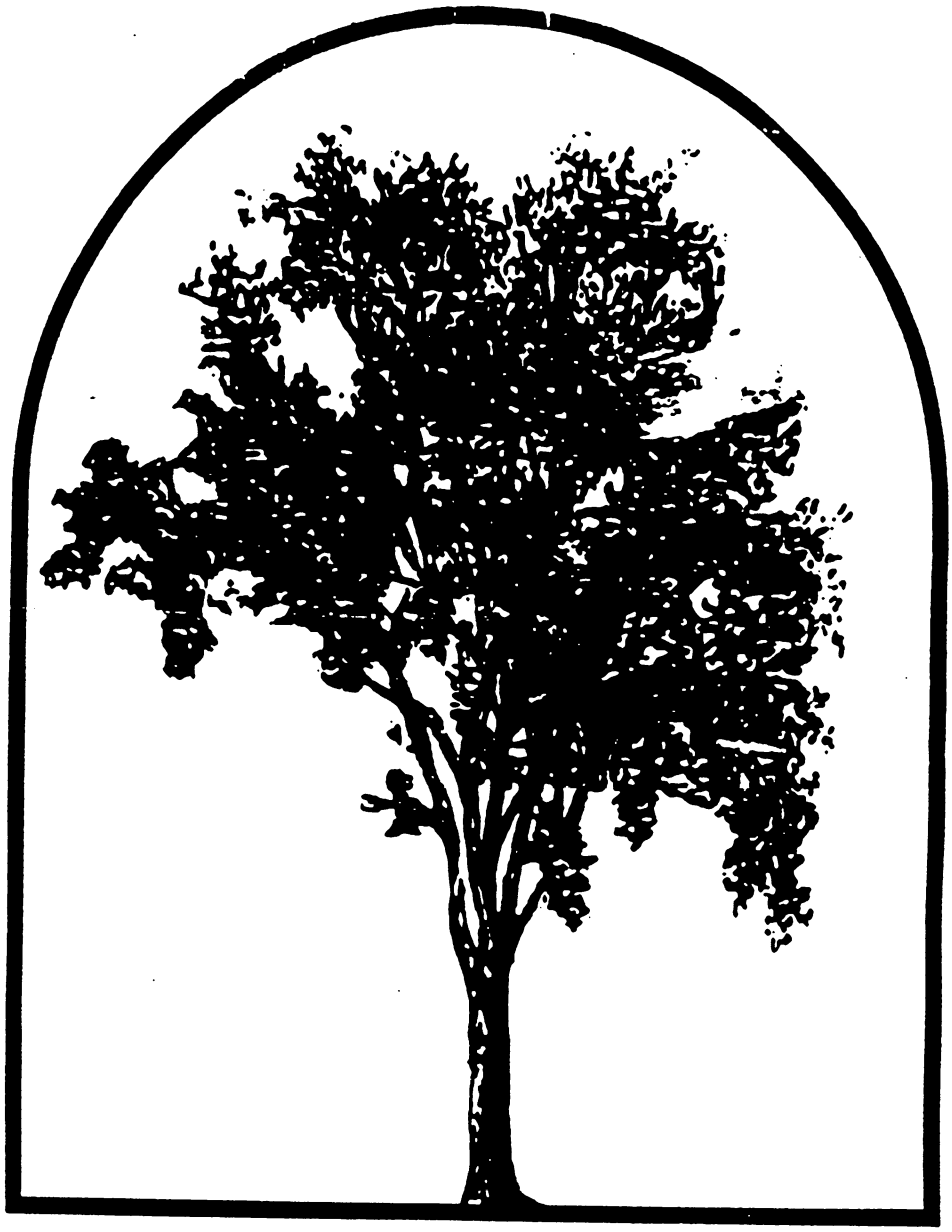

ZONING ORDINANCE

City of Cambridge, Massachusetts

This Zoning Ordinance includes Ordinance #1187
passed on May 12, 1997.

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Parking Coordinator Manual
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Student Commuters
All student commuters, except for first year undergrads, are eligible to receive an MIT parking sticker for the West Lot. Undergraduate commuting students should apply at the Parking Office and must have proof of off-campus residency. Graduate commuting students should apply to their academic departments. The fee is one-half of the regular commuter fee.

Students requiring special parking arrangements for reasons of health or physical disability should contact the MIT Medical Department (Dr. Diamond, ext. 3-7625) to discuss their specific needs.

Both Graduate and Undergraduate students must conform to the Massachusetts laws concerning non-resident students and obtain a Massachusetts Non-Resident Student Permit.

Non-Resident Student Permits - Students with out-of-state plates who wish to drive in Massachusetts beyond an initial thirty-day period must first determine their eligibility. Information on non-resident status from the Massachusetts Registry of Motor Vehicles is available at the Parking & Transportation Office in E32-105.

A student qualifies for a Non-Resident Student Permit if he/she meets the following definition of "student" under Massachusetts law:

Student - any person enrolled full-time in a school, college or university, but not including any fully registered medical practitioner or any person enrolled in a school, college or university for the purpose of pursuing advanced or post graduate studies or on the job training under any fellowship program, or receiving compensation beyond the actual tuition costs of such schooling. In doubtful cases, the registrar may determine whether or not this definition applies.

Resident Parking
Resident Parking permits are issued to Undergraduate and Graduate students, tutors, housemasters and other employees who live in an MIT residence. Although the ratio of residential parking to residents is greater than the ratio of commuter parking to commuters, residents are actively discouraged from bringing cars to MIT.

Undergraduate Students
Parking for Undergraduate students is very limited and often distributed by lottery.

1. First year undergraduate students are not permitted to bring automobiles to campus and upper class members are advised not to.

2. Residential dormitory residents should apply to their house officers for information on parking permit allocations. First year students are not eligible to receive residential parking permits.

3. Students requiring special parking arrangements for reasons of health or physical disability should contact the MIT Medical Department (Dr. Diamond, ext. 3-7625) to discuss their specific needs.

Graduate Students
Resident Graduate permits are directly tied to the residential facility.

1. Graduate Student Residents (Eastgate, Westgate, Edgerton, Green, Ashdown, and Tang) should apply for residential permits through the Housing Office.

2. Students requiring special parking arrangements for reasons of health or physical disability should contact the MIT Medical Department (Dr. Diamond, ext. 3-7625).

Housemasters and Tutors
Housemasters and tutors who require resident parking permits should contact the Office of Residence and Campus Activities. On campus parking is limited. In no cases may a campus resident receive a commuter parking permit, if they have a residential space.

Other residents should apply directly to the Parking & Transportation Office. Fees for residential employees may be payroll deducted. Unlike commuters, residents with more than one vehicle must pay the full residential fee per vehicle.

Other Policies Concerning Permits

Swapping Of Permits

Swapping of Regular Commuter permits is allowed between individuals regardless of department. Anyone wishing to make a swap should do so as soon as possible after the permit is issued. Both parties involved in a swap must bring their unused permits and appear together at the Parking Office (E32-105). Each party involved in the swap must complete a form authorizing the swap.

Medical Parking Permits

The Parking Office issues special parking permits for those members of the MIT community with medical conditions that impair their mobility. Such permits may be given on a temporary or permanent basis. These permits will allow parking in an area of convenience to their place of work or study, and are issued outside of a department's parking allocation. David V. Diamond, M.D. of the MIT Medical Department (253-7625) reviews requests for special parking permits on a medical basis.

Approval for temporary permits (less than 6 months) can be obtained by presenting documentation to Dr. Diamond's (E23-209) office of the medical condition and it's expected duration. He or his designee will sign a special parking permit form. When this form is presented to the MIT Parking & Transportation Office a temporary permit will then be issued. The exact parking location will be determined by the Parking Office based upon space availability.

Persons whose medical condition is of a permanent or progressive nature will be considered for long-term special parking permit on this basis. In general, the criteria for granting such parking permits are similar to that of the Registry of Motor Vehicles handicap plates policy. Persons interested in obtaining such consideration for MIT should apply for handicap plates if eligible. Individuals with HP license plates or cards do not have to have review of their medical status by MIT, but can submit a normal parking application directly to the Parking Office each year. Persons who would not qualify for handicap parking but nonetheless want special permits that are not temporary will need to make an appointment with Dr. David Diamond in the Medical Department by calling 253-4481. They should bring appropriate documentation substantiating the severity of their impairment that requires such special consideration.

Short-term temporary medical parking permits will be issued free of charge. Longer term and permanent medical parking permits will be charged prorated in accordance with the prevailing parking fees in effect. Questions regarding medical parking permits should be directed to the Parking Office, and not to Dr. Diamond's office.

Special/Temporary Permits

Temporary permits are issued for a variety of reasons: temporary staffing needs, use of a rental vehicle, relatives visiting students, etc. Parking coordinators

should send individuals who require a special permit to the Parking Office where they will be asked to complete a form (see example in appendix). A special permit will then be issued for a specified period of time at $2.50 per business day, unless the individual has already paid for a MIT parking sticker. Special permits are issued only as resources permit and may not be available on specific days or particular times of the year (First Week of Classes). Special permits will only be issued in cases of hardship.

Visitor Parking Due to the limited number of visitor parking spaces on campus, it may not be possible to accommodate every visitor who wishes to park at MIT. The Parking Office will assist with parking arrangements for functions and special events. Events that require having an attendant on-site should be prepared to provide funding for that service.

Visitor Parking Passes

Visitor Parking Passes are available to all MIT departments from the Parking Office. The fee for each pass is $3.00. To purchase visitor passes; a SAP Journal Voucher must be made crediting the parking account #1693800, object code #801008, for the number of passes requested x $3.00. These passes are for a department's sporadic guests, not for functions with a large attendance. **Visitor passes may not be issued to MIT employees.**

For visitors that are unexpected, or for guests that do not have a visitor pass, a department may call the Parking Office to arrange last minute parking. A department should call no earlier than a week before the guest's arrival on campus. The person calling must have authorization to make charges to the department's account. The Parking Office will need the visitor's name, time of arrival, the department number and account number, as well as the caller's name. A Journal Voucher will executed each month by the Parking Office for call-down parking charges ($3.00 each).

Summer Parking

Summer parking is available to members of the MIT community who do not already possess a current parking permit. Interested individuals should fill out an application at the Parking Office (see Appendix). A permit may be issued as long as an individual has no outstanding fines (fines must be paid before the permit is issued). Assignment to available parking facilities is on a first come first serve basis. Summer permits are valid through August 31.
The fee for Summer Parking is $30.00 per month.

Replacement Permits

There are two types of replacement permits:

1. Replacement of a permit previously issued to an employee who has left the Institute. A letter containing the name and lot assignment of the terminating employee should accompany any

new application. Whenever possible, terminating employees should return stickers to the Parking Office to prevent over billing.

In the case of an employee who has transferred to another MIT department, the employee retains their current parking permit for the remainder of the year. If and when the original department replaces a transferring employee who has been allocated a permit; consideration will be given to a request for a replacement allocation.

2. Replacement stickers for new vehicles may be obtained from the Parking & Transportation Office upon receipt of the previous permit (or its pieces) or presentation of the new vehicle's registration. There is a $10.00 Fee for replacement permits when accompanied with the old sticker, otherwise the fee is $25.00.

A new application must be filled out for each replacement permit issued and the application must be filled out in its entirety for a new vehicle.

Overnight Parking

Individuals with valid MIT parking permits that need to be out of town on Institute business for an extended period of time (up to one week) may leave their automobiles in their assigned parking facility. Before leaving the Institute, individuals are requested to notify the Parking Office by sending or faxing a completed **Extended Parking Notification** form to the Parking Office, 8-6510 (FAX 8-6357). Incomplete or late forms will not be approved. Individuals must also notify their department parking coordinator.

MIT assumes **no** responsibility for the safety of any automobile or its contents while parked on Institute property. This policy requires that users of this overnight parking privilege designate an emergency contact person prior to leaving vehicles and record that on the Extended Parking Notification form. During the winter months, vehicles should not be left on the roofs of garages or in open lots due to the possibility of emergency snow removal.

Exhibit C

RECYCLED

CITY OF CAMBRIDGE PLANNING BOARD

PB #157 (#156)[1]

Massachusetts Institute of Technology
Planning Overlay Special Permit Application for

Undergraduate Residence
229-243 Vassar Street
Cambridge, MA

SUPPLEMENT TO OPPOSITION OF 219 VASSAR STREET TO SPECIAL PERMIT APPLICATION

SULLIVAN & WORCESTER LLP
One Post Office Square
Boston, Massachusetts 02109
(617) 338-2800
Thomas J. Phillips, Esquire
Edward Woll, Jr., Esquire
R. Lindsay Wilson II, Esquire

Kathleen C. McCabe, Esquire
129 Mount Auburn Street
Cambridge, MA 02138
(617) 576-0600

Kevin P. Crane, Esquire
104 Mount Auburn Street
P.O. Box 1030
Cambridge, MA 02238
(617) 876-8500

[1] The Project was referred to as PB #156 for the November 9, 1999 Planning Board hearing and PB #157 for the December 7, 1999 Planning Board hearing.

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SUPPLEMENT TO
OPPOSITION OF 219 VASSAR STREET
TO SPECIAL PERMIT APPLICATION

A. Introduction.

Professor John J. Donovan ("Prof. Donovan"), through his counsel, on behalf of the abutter[2] to the proposed new building of the Massachusetts Institute of Technology ("MIT"), appeared in opposition to the Application of MIT at the Planning Board Hearing on December 7, 1999.[3] At the conclusion of that hearing, the Planning Board accepted the written submissions of Prof. Donovan and invited additional written materials to be submitted in advance of the next hearing on this matter. The next hearing has been scheduled for December 21, 1999.[4] Prof. Donovan submits this Supplement to his Opposition in order to respond to the material presented and contentions advanced by MIT representatives at the December 7, 1999 hearing and to answer, and augment with responsive information, the Planning Board's inquiries. The information presented herein includes material from public records and from MIT's website regarding the proposed project (which MIT refers to therein as "Residence 2001"), as well as other investigations conducted by Prof. Donovan.[5]

The issues which Prof. Donovan will address below are: (1) parking congestion, (2) the siting and architectural impact of the proposed MIT building, (3) the narrowing of Vassar Street

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[2] The abutter is Prof. Donovan's son, John J. Donovan, Jr., as Trustee of The 219 Vassar Street Realty Trust.

[3] Relevant portions of the transcript of the December 7, 1999 hearing is appended as Exhibit A hereto.

[4] Prof. Donovan understood that the next hearing would not be scheduled until January 4, 2000. Prof. Donovan learned on Monday, December 13, 1999, that the next meeting had been accelerated to December 21, 1999.

[5] The MIT website may be accessed at http://web.mit.edu/buildings/residence2001/prog_intro.html *or* project.html.

under the so-called CASPAR Agreement concurrently with construction of the new MIT building, (4) the retail nature of MIT's proposed dining facilities and its dining policies and (5) MIT's failure to comply with Zoning Ordinance requirements applicable to an IPOP special permit. Prof. Donovan will also demonstrate to the Planning Board that no abutter (other than MIT) received notice of MIT's application.

B. **MIT's Failure to Provide Complete and Accurate Information as to the Identity of Persons in Interest.**

The Zoning Act requires that notice of a special permit application, such as MIT's, be sent to all "parties in interest."[6] One of the premises of this requirement is that, if properly informed, an objecting party's concerns may be shared with other parties who will be similarly affected. It is particularly germane to the IPOP application at hand, as noted by City Councilor Henrietta Davis at the December 7, 1999 public hearing, wherein she expressed her concern that "the neighboring people and the neighborhood that abuts this [proposed development] ... on the other side of the railroad tracks really have no idea that a project of this magnitude is about to befall them." (December 7, 1999 Hearing Transcript, p. 24). Accordingly, it is vital that, prior to voting on the application, the planning board insure that all interested persons have received adequate notice of the proposed development and have had the opportunity to voice their concerns regarding what is about to "befall them."

It is a long-established practice that an applicant for zoning relief, such as MIT here, must take steps to ensure that notice is sent to all "parties in interest" under the Zoning Act, G.L. c. 40A. However, it appears that MIT either overlooked or ignored this practice. While the

[6] "Parties in interest" include all immediate and direct abutters to the MIT building parcel, as well as any persons within three hundred (300) feet of any part of the MIT building parcel who are abutters to abutters. In determining who is a direct abutter, or an abutter to an abutter to an abutter, public and private ways are disregarded. G.L. c. 40A, §§7, 8 and 11.

failure to assure proper notice may be a short run advantage, it suggests inattention and, of course, stifles the voices of potential opposition.

Notice of MIT's application was only given to four (4) persons other than MIT according to the Planning Board files. ***None*** of the persons to whom notice was sent are "parties in interest" entitled by statute to receive notice. The persons who received notice are:

1. Jack W. Rizika
2. Browning and Plank Limited Partnership II
3. Cambridge Electric Light Company
4. Donald M. Perrin, Trustee of Perrin Realty Trust

The actual "parties in interest" entitled to notice under the statute are, according to the Cambridge Assessor's Office (see **Exhibit B** hereto):

1. David E. Clem and David Roby, Trustees of 270 Albany Realty Trust
2. John J. Donovan, Jr., Trustee of 219 Vassar Street Realty Trust
3. Boston & Albany Railroad

The failure to give notice means that the Planning Board has not been vested with jurisdiction and that MIT cannot comply with the Zoning Ordinance.

C. **Architectural and Site View Considerations.**

Just as Amgen, Inc. was required to do under its IPOP special permit application for One Kendall Square, (PB #150, p. 9), MIT should provide shadow studies of the proposed MIT building on 219 Vassar Street. Moving the proposed building 200 feet away to the southeast of 219 Vassar Street would resolve the shadowing concerns. Other site considerations are discussed under the zoning considerations in Sections F and G below and in **Exhibit I**.

D. **Additional Off-Street Parking Requirements of MIT's Proposed Building.**

1. The New Parking Requirements Generated by the Proposed Building.

As detailed in the opposition brief filed on December 7, 1999, MIT has significantly understated and/or miscalculated the number of additional off street parking spaces which will be

required by the proposed development pursuant to the Zoning Ordinance. Since the December 7, 1999 hearing, Prof. Donovan has uncovered additional details about the building's proposed residential uses which confirm his parking calculations and prove that MIT's application stated in error that only thirty-two (32) off-street parking spaces were required.

(a) **Additional Residential Off-Street Parking Requirements for Proposed Building**.

According to MIT's website, copies of relevant pages from which are appended hereto in **Exhibit C**, the proposed building contains seven (7) different types of residential space categories: undergraduate, graduate student, graduate resident advisor, faculty, visiting scholar, associate house master, and house master. The living units for the ten (10) graduate resident advisers, the five (5) visiting scholars and the assistant house master include a study, living room and dining room areas, kitchen, bedrooms (for at least two (2) persons), bathroom, and storage space. The house master, however, has a dwelling unit of 4100 square feet.[7] These dwelling units are in sharp contrast to the three hundred fifty (350) relatively spartan single dormitory rooms of one hundred forty (140) square feet and a shared bathroom of thirty (30) square feet for undergraduate and graduate students.

The residential parking spaces required under the Zoning Ordinance are as follows:

New Off Street Parking Spaces Required by Zoning Ordinance		
	MIT's View	Required under the Zoning Ordinance
Residential spaces required:		
Student Dormitory beds (350)	30	29
Graduate Student Advisor dwelling units (10)	0	10
Visiting Professor dwelling units (5)	0	5
Associate House Master dwelling unit (1)	1	1
House Master dwelling unit (1)	1	1
Residential Subtotal	**32**	**46**

[7] The web page publication refers to twenty-two (22) dwelling units for Residence 2000, rather than the seventeen (17) dwelling units that MIT declared in its original application to the Planning Board.

(b) **Additional Restaurant Off-Street Parking Requirements for Building.**

MIT's website describes the dining facilities with a specificity that permits a more accurate calculation of the off-street parking spaces required for the "Public floor area" of the restaurant as follows (see **Exhibit D** hereto), depending in part on the extent to which the restaurant is regarded to be public or retail as well as institutional:

PROGRAM SPACE	AREA (Sq. Ft.)	SEATS	PARKING SPACES		
			MIT View	Required for Institutional Use	Required for Retail Use
Restaurant: House Dining	3000	235 seats	0	4	16-24
Restaurant: House Dining kitchen support, and servery	3000	Public floor area equivalent to 150 seats	2	2.5	10-15
Restaurant: Country Kitchen and dining	600	Public floor area equivalent to 30 seats	0	0.5	2-3
		TOTAL:	0	7	28-42

Thus, MIT's project requires between 53 and 88 off-street parking spaces in order to comply with the Zoning Ordinance.

(c) **MIT Does in Fact Run Retail Restaurants Throughout Its Campus, and the Street-Side/Sidewalk Dining Facility and Café Should Be Treated As Such.**

MIT represented at the December 7, 1999 hearing that only MIT students, faculty and guests are permitted in the MIT dining facilities.[8] This representation does not reflect the reality of MIT's dining facilities. Walk-in traffic is prevalent at most of MIT's on-campus dining facilities. For example, it is routine for employees of companies housed at 219 Vassar Street to eat at the "Networks" dining facility (both the upstairs and downstairs facilities) and the "Cobshell" dining facility, both of which are located in the Stratton Student Center at

[8] A list of those facilities is appended in Exhibit E.

84 Massachusetts Avenue. Those members of the public pay in cash at the register, and the cash register operator merely asks whether they are a student or faculty, presumably to ascertain whether or not they are entitled to a discount. The employees at 219 Vassar Street answer "no" and simply pay full price for their meals. The same practice is also followed at The Dome Café in MIT's Building 7, the coffee shop located in MIT's Building 4, and at the Morss Hall/Walker Memorial dining facility at 142 Memorial Drive. Of course it is not in MIT's economic interest to close its facilities to the public. The public adds substantial income to MIT's dining operations by expending MIT's market from the limited student/faculty/employee market to the businesses in the area.

The restaurant and street-side café in MIT's proposed new building is <u>not</u> represented to be a facility that needs a swipe card to enter like MIT's Next House or the Baker House dining facilities. Therefore, the Planning Board should enforce the use restrictions regarding the operation of a retail restaurant in Special District 6, and should at a minimum treat the restaurant and café facilities as retail establishments unless and until MIT proves otherwise or puts into place sufficient safeguards to assure that it will be a [closed institutional], as opposed to a retail or commercial, restaurant.

(d) **<u>The Displacement of Allocated Surface Spaces</u>**.

MIT must also supply replacements for the one hundred fifty-six (156) existing parking spaces that will be displaced by the proposed building. Thus, along with the proposed building's own new off street parking requirements, it is incontrovertible that in the absence of an on-site garage facility MIT must provide for no less than two hundred nine (209) parking spaces (i.e. 156 plus 53) and up to as many as two hundred forty-four (244) parking spaces (i.e., 156 plus 88) within the "MIT parking supply."

Susan Clippenger, head of the Cambridge Traffic Department, stated at the December 7, 1999 public hearing that it was a concern to the City that the displaced parking spaces "stay in the Vassar Street corridor." (December 7, 1999 Hearing Transcript, p. 22). MIT suggested rather offhandedly at the December 7, 1999 hearing that "... at the City's request we'll [MIT] not be adding any parking spaces to this project. So any spaces that are needed to meet the zoning requirement, no matter what the requirement is will be allocated out of existing inventory." (see Mr. Owu, 12/7/99 Hearing Transcript, p. 52). Robert Simha's statement of MIT's most current intention to provide the necessary parking spaces "on an adjacent parking lot, which we are in the process of developing, on site, immediately to the west of this building" is unavailing and unsupported. (see Simha, 12/7/99 Hearing Transcript, p. 20).

The Planning Overlay Requirements of Zoning Ordinance §11.50 incorporate the Parking and Transportation Demand Management (PTDM) requirements authorized by Ordinance #1211. That means that MIT must satisfy PTDM requirements, which in turn means that MIT must comply with and make compliant the overall parking plan which has now been necessarily and admittedly changed by MIT. Accessory parking must meet the requirements of Zoning Ordinance Section 6.22.1 and PTDM requirements in Chapter 10.18 of City Ordinance 1211.

MIT has not submitted to the Planning Board a revised, approved parking plan, nor any information verifying that MIT has an adequate parking supply to absorb such a large number of displaced parking spaces in locations that are legitimate under the Zoning Ordinance. No plan or approved reallocation of accessory spaces has been submitted to satisfy the Zoning Ordinance. It is, therefore, incumbent upon the planning board to confirm that MIT's proposed parking plan not only meets the Zoning Ordinance's parking requirements, but also that the parking relocation

component of the proposed development does not take MIT out of zoning compliance as to any other buildings or its parking plan as a whole.

E. **MIT's Proposed Parking Reallocation and Relocation Creates Traffic Issues Which MIT Has Not Addressed.**

The Transportation Impact Study submitted by MIT is based on several assumptions which no longer apply to the proposed development. First, the Transportation Impact Study assumes (pp. 5-6) that "these existing [one hundred fifty-six (156) lost surface] spaces would be replicated in a new parking garage located below the building". Second, the Transportation Impact Study assumed (pp. 5-6) that thirty-two (32) additional off-street parking spaces generated by the building, not the fifty-three (53) to eighty-eight (88) spaces that Prof. Donovan contends are required, were also going to be put underground in the proposed building. Third, the Transportation Impact Study does not account for the telescoping of Vassar Street traffic into a narrower funnel under the CASPAR Agreement that MIT plans to implement as part and parcel of construction of the proposed building, as discussed below. Lastly, MIT has ignored the fact that many of the undergraduate residents of the proposed building will be coming from off-campus housing and will likely own cars, a factor which only further increases the parking and traffic congestion in the Vassar Street corridor.

(a) **The Proposal to Satisfy the Parking Demand Creates Unaddressed Traffic Issues.**

MIT suggested at the December 7, 1999 public hearing that the site proposed for "taking care" of the two hundred ten (210) to two hundred forty-four (244) displaced and added off-street parking spaces requirements will be Albany Street. If so, that means that there will be substantial additional traffic on Albany Street, i.e. on the edge of the Cambridgeport neighborhood. The Transportation Impact Study done by MIT does not address the impact of that relocation of spaces onto Albany Street, on the Cambridgeport neighborhood, or on the

nearby already congested (and accident prone) intersections at Massachusetts Avenue or Memorial Drive.

(b) **Implementation of the CASPAR Agreement is not Addressed by MIT's Traffic Study.**

The CASPAR Agreement is a 1993 agreement between the City of Cambridge and MIT. Among the documents delivered pursuant to the CASPAR Agreement are a Lease by MIT from the City of 82,507 square feet out of the Vassar Street layout (consisting of a 16-foot wide strip on the north side of the street and a 12-foot wide strip on the south side, each running from Massachusetts Avenue to Audrey Street). A copy of the Lease is appended hereto as **Exhibit E**. The Lease gives MIT the right to reduce the traffic-carrying capacity of Vassar Street by expanding the sidewalk into what is now the street and narrowing the way from forty-five (45) feet of paved street to a mere thirty-two (32) feet (including parallel parking along one side). In other words, implementation of the Lease will telescope the existing Vassar Street traffic into a narrower path. That effect is demonstrated in **Exhibit F** hereto.

Vassar Street is now a principal route for traffic between Massachusetts Avenue and Memorial Drive. The narrower path that MIT will create in Vassar Street will become increasingly congested, and will divert traffic onto Brookline Street, Albany Street and Magazine Street, and through the Cambridgeport neighborhood. That prospect legitimizes the fear expressed by Counselor Davis on December 7, 1999 that Vassar Street's function as a vital through street will be essentially eliminated. (see Davis, 12/7/99 Hearing Transcript, p. 20). Overloading the Cambridgeport neighborhood with increased traffic flows will have a negative impact on existing traffic patterns and the neighborhood as a whole.

Another issue which has been overlooked is that the proposed building and MIT's plans for Vassar Street are part of the same project. The proposed MIT building project includes the

expansion of the Vassar Street sidewalk and the reconfiguration of Vassar Street. That is clear both from the MIT application and also from the publication by the MIT News Office called Tech Talk dated September 30, 1998, which states:

> Shaping [the proposed building's] community is the planned transformation of Vassar Street into a tree-lined residential boulevard, new athletic facilities and an extension [of, sic] the athletic facilities westward, and new graduate and faculty housing in the neighborhood. MIT and the City of Cambridge have already agreed to the Vassar Street improvements, which will be completed simultaneously with the new residence hall.

The agreement with the City of Cambridge referred to in TechTalk is presumably the so-called CASPAR Agreement. MIT's application for a special permit acknowledges that it intends for the reconstruction of Vassar Street to occur coincident with the construction of the proposed building.

As the Planning Board is aware, the Cambridge Revitalization Development District Project of University Park at MIT is introducing a demand for over one thousand (1,000) new parking spaces in the area and contemplates a substantial traffic burden of up to seventeen hundred (1,700) two-way trips per day in the same area per day. See Planning Board #152, Decision dated August 17, 1999, filed August 31, 1999. When viewed in conjunction with MIT's planned reconfiguration of Vassar Street and the development of University Park, the proposed project could cripple the flow of traffic in the Cambridgeport area.

MIT has not addressed the reduction of the traffic capacity for Vassar Street and where that displaced traffic will go, nor the effect on the neighborhood of the reduction of the Vassar Street traffic. The fact is that the map of the area shows that traffic will divert itself to the Cambridgeport neighborhood. By not presenting that consequence in its application, MIT is deluding the parties in interest and the Cambridgeport neighborhood into complacency.

F. **MIT's Failure to Conform to the General Criteria for Issuance of Special Permits Contained in Zoning Ordinance Section 10.43.**

Under Section 10.43 of the Zoning Ordinance, a special permit may not be granted when it would not be in the public interest for any ***one (1)*** of the following five (5) reasons dealt with below.

1. The Requirements of the Zoning Ordinance Cannot be Met.

(a) **MIT has failed to satisfy the IPOP Requirements as set out in Growth Policies 13, 39 and 66.**

Apparently the Cambridge City Counsel also questions whether the proposed development satisfies the IPOP requirements. See **Exhibit H**. These issues are dealt with below in Section G of this Supplement. In addition, several factors discussed below that violate the requirements of the general criteria for a special permit (discussed immediately below) also contravene the Growth Policies of the IPOP requirements.

(b) **MIT has not met parking requirements under the Zoning Ordinance.**

As discussed above, MIT's application has not acknowledged the requirement for at least fifty-three (53) and up to eighty-eight (88) additional off-street parking spaces for the proposed building. The two hundred thirty-one (231) surface parking spaces that are currently at 229-243 Vassar Street have already been allocated as accessory parking for other buildings and uses as part of MIT's institutional parking plan. The proposed building will also displace one hundred fifty-six (156) of those existing surface spaces.[9] MIT has not demonstrated that off-street parking is available for those additional and displaced off-street parking spaces that are not already allocated to meet other MIT parking requirements. Without proof that unallocated off-

[9] MIT's Mr. Owu represented in error at the December 7, 1999 Planning Board hearing that only one hundred twenty-five (125) spaces were being displaced. (12/7/99 Hearing Transcript, pp. 51-52).

street parking spaces exist for the proposed building, whether on-site or in an accessory location, the parking requirements of the Zoning Ordinance have not been met.

Without MIT's submission of an approved parking plan, and given MIT's failure to show how the off-street parking spaces will be accommodated under a comprehensive parking plan, MIT must obtain a variance from the off-street parking requirements generated by the proposed building under the Zoning Ordinance. Indeed, the refusal of the Cambridge Traffic, Parking and Transportation Department to support additional spaces for MIT requires the Planning Board to conclude that the off-street parking requirements of the Zoning Ordinance cannot be met without a variance.

(c) **MIT has not met loading bay requirements of the Zoning Ordinance.**

MIT only provides for three (3) loading bays, when four (4) are required. Each separate use within the multi-use facility also has its own cumulative loading requirements according to Zoning Ordinance Section 6.33. The restaurant facility comprises over 10,000 square feet of the ground floor of the proposed building. Under these criteria, the proposed multi-use building requires a total of four (4) loading bays, comprised of three (3) bays for the dormitory and one (1) additional bay for restaurant use (whether it is institutional or retail in nature) under Zoning Ordinance Sections 6.36.3(b)(6)(a), 6.36.3(b)(8)(a), 6.36.5(e) and 6.83. Without a variance to allow only three (3) bays, MIT cannot meet Zoning Ordinance requirements.

(d) **MIT's proposal has not met the Zoning Ordinance requirements for optimizing view corridors and visual penetrations under §17.63.2(c)(1)-(5).**

Special District 6 regulations require that explicit consideration be given to visual penetrations from the Cambridgeport neighborhood and to the Erie Street view corridor. Placing the proposed building at only fifty (50) feet to the south of 219 Vassar Street cuts off almost completely a significant visual penetration from the direction of University Park within

Cambridgeport across Albany Street and across the playing field. Moving the proposed MIT building to the southeast so that it is two hundred (200) feet away from 219 Vassar Street maintains that existing visual penetration and does not encroach in any unreasonable way upon any visual penetration from Fort Washington Park. Neither siting position of either fifty (50) feet or two hundred (200) feet from 219 Vassar Street affects any Erie Street view corridor because of the intervening Cambridge Tire and Millennium buildings on Albany Street and because one of the notches intercepting several top floors of the proposed building can be aligned with Erie Street. A study showing the dramatic impact of the two (2) different locations of the proposed building (i.e., at 50 feet and 200 feet from 219 Vassar Street) is appended hereto in **Exhibit I**. Accordingly, the proposal to place the building at fifty (50) feet from 219 Vassar Street cannot meet the requirements of Zoning Ordinance §17.63.2(c)(1)-(5).

2. Traffic Generated or Patterns of Access and Egress will Cause Congestion, Hazard or Substantial Change in Established Neighborhood Character.

Although Section 11.500 of the Ordinance establishes a higher standard for traffic impact than is required by this general condition, Prof. Donovan contends that the traffic study advanced by MIT does not show that even the general criteria for issuance of a special permit has been met. That is because in part the traffic study that MIT submitted is obsolete and is based on assumptions that no longer prevail, as well as the fact that MIT's traffic study fails to take into consideration part of the project, that is the narrowing of Vassar Street under the CASPAR Lease, the loading bay and off-street parking requirements demonstrated herein and the impact of the University Park development approved earlier this year by the Planning Board.

3. **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.**

It is clear that the development of the proposed building will have an adverse impact on the viability of the businesses at 219 Vassar Street. Prof. Donovan has requested that the proposed building be moved one hundred fifty (150) feet farther away to provide a buffer between his business uses and the dormitory. The addition of three hundred eighty four (384) residents will attract traffic and bring into the area vehicles owned by those residents, thereby using up all available street parking and make it even more difficult for the occupants of 219 Vassar Street to park by their place of work.

4. **Nuisance or Hazard will 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.**

MIT's traffic study suggests that the accident rate at the nearby intersections will not be sufficiently aggravated so as to require more than street markings as additional safety precautions. However, the MIT Traffic Study is obsolete and is based on assumptions no longer applicable. Therefore, it must be redone and an evaluation of the impact on those intersections must be reevaluated. The owner and the occupants of 219 Vassar Street are as concerned as any other citizen of Cambridge with the accident rates at those intersections, which accident rates already exceed tolerable levels as set forth by this Planning Board in the IPOP requirements.

5. **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 the Ordinance.**

It seems clear that the displacement of existing parking spaces, the narrowing of Vassar Street, the insertion of three hundred eighty-four (384) more residents onto Vassar Street, and the additional traffic and vehicle ownership that that entails will have an adverse impact on the business and residential neighborhoods in the immediate and adjacent zoning districts. In

addition, the siting of the proposed building will serve as a visual barrier to the visual penetrations that now exist from adjacent zoning districts.

G. **MIT's Failure to Conform with Enumerated Growth Policies.**

1. Growth Policy #13: Case of Development, Maintenance of the Tax Base, Adjustment to Changing Economic Conditions, Consistent with Urban Design Plans, Disruption of Neighborhoods, Overburdened Infrastructure.

a. It seems obvious that the overall project of the proposed new MIT building, with its three hundred eighty-four (384) occupants, and the reconfiguration of Vassar Street will disrupt the nature and character of the surrounding neighborhoods and overburden the existing infrastructure by adding traffic to the Vassar Street area and by spilling traffic into the adjacent neighborhoods. MIT has not addressed that traffic impact.

b. As was a consideration in the July 28, 1999 decision in PB #150 regarding One Kendall Square for Amgen, Inc., the type of business enterprises located at 219 Vassar Street are part of the "growing concentration of high technology enterprise and support services" that the City of Cambridge seeks. Thus, the preservation of 219 Vassar Street is wholly compatible with Growth Policy #13 and the impairment of 219 Vassar Street's ability to remain there successfully is inconsistent with that Growth Policy.

2. Growth Policy #39: Minimize Impacts on Abutting Neighborhoods.

a. Zoning Ordinance §17.63.2(c)(1)-(5) declares that the visual penetrations from across Albany Street must be considered. Those include the preservation of the Erie Street view corridor, wherever possible, and a distribution of buildings in Special District 6 "so as to create a visual penetration from the residential Cambridgeport neighborhood to the MIT campus and to the River Beyond." It is obvious from the view corridor and visual penetration analysis attached hereto as **Exhibit I** that a separation between 219 Vassar Street and the proposed dormitory of two hundred (200) feet accommodates those considerations while the minimal fifty (50) foot

separation now proposed by MIT does not. It is also obvious that shifting the building one hundred fifty (150) feet farther to the south does not impair MIT's use of the site since MIT will still fully utilize its FAR requirements. The spacing proposed by Prof. Donovan is particularly important given the article published in *The Tech*, February 20, 1998, Architectural Design Class Creates Models of New Dormitory, in which the Director of Administration and Operations, Steven D. Immerman, was quoted as saying that "'[t]he general plan of "rimming" the playing fields with housing has been in place for many years.'"

b. MIT cannot argue that the proposed building is too far away from the neighborhood so as to need to meet the requirements of Growth Policy #39. These visual penetrations and view corridors are specifically protected in the Special District 6 enabling legislation and meaningful deference to them by the Planning Board is mandatory. The massive size of the proposed MIT building just to the southeast of the Cambridgeport neighborhoods and its proposed location close to 219 Vassar Street acts as a barrier to, rather than a natural extension of, a transition from the Cambridgeport neighborhood into and through Special District 6. Accordingly, the impact of the mammoth building proposed by MIT is mandated as significant by reason of Zoning Ordinance Section 17.63.2(c).

c. The Planning Board stated in its decision for Amgen, Inc. relating to One Kendall Square (PB #150, filed July 28, 1999, on page 6), "One adopted criterion for measuring such adverse impact [under Policy 39] is the amount of traffic directed to nearby residentially developed streets." The diversion of traffic caused by the dislocation of parking spaces from Vassar Street, the telescoping of Vassar Street so as to accommodate less traffic, as well as the insertion of three hundred eighty-four (384) residents in the middle of Vassar Street, will in the aggregate adversely affect traffic in the Cambridgeport, Albany Street, Vassar Street areas.

obsolete MIT's Transportation Impact Study does not address that traffic impact. MIT has thus not met its burden of showing compliance with Growth Policy #39.

3. Growth Policy #66: Open Space Facilities

The failure to put surface parking that is lost or additional off-site parking underground adversely affects open space facilities. That was a significant consideration in PB #144 at Technology Square, Decision filed July 16, 1999, on page 7, and is a significant alternative to consider here. MIT's deletion of the underground parking facility, allegedly as a cost consideration, does not eliminate its necessity to meet the policy requirements.

H. Conclusion and Specific Remedies Sought by 219 Vassar Street.

Based upon the information contained in both his brief in opposition to MIT's proposed development, entitled "Opposition of 219 Vassar Street to Special Permit Application", filed with the Planning Board on December 7, 1999, as well as the material contained in this Supplement, Prof. Donovan requests the following relief:

- The MIT building must move 150 feet farther to the south on Vassar Street so that the separation between the building and the southerly lot line of 219 Vassar Street is at least 200 feet. Then the proposed building will not shadow 219 Vassar Street's natural light and southerly exposure.
- The resulting separation 200 foot separation should be used as a park and for vehicle surface parking. That separation will buffer the business environment from the institutional residential environment and retail/institutional use restaurant facilities of the proposed building. That 200 foot separation will also preserve the visual penetrations mandated by Zoning Ordinance Section 17.63.2(c).
- MIT must address the fact that under its present practices it will operate a retail restaurant in the proposed building in violation of the Zoning Ordinance.
- MIT must address the loading bay requirements under the Zoning Ordinance not taken into account in its Special Permit Application.
- MIT must develop and present an approved institutional parking plan to the Planning Board to solve the parking problem that will be created by the proposed building due to the elimination of the 156 surface off-street parking spaces, the

addition of the 32 spaces that MIT claims are required, plus at least 21 to 56 additional off-street spaces required that MIT fails to address. That solution should consider putting underground the maximum number of permissible parking spaces, which is 284 for the building, as now proposed. (Zoning Ordinance Section 17.64.2).

- MIT must present a new traffic study based on the assumptions now apparent, including the reconfiguration of Vassar Street under the CASPAR Agreement, the need for the additional parking spaces specified above and MIT's failure to account for the University Park development.

- MIT must develop and present to the Planning Board a plan to manage the proposed construction to eliminate disruption of Cambridge Executive Enterprises' executive programs and to insure access to 219 Vassar Street and adequate parking for its occupants and businesses.

Respectfully submitted,

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R. Lindsay Wilson II, Esquire

Date: December 17, 1999

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Exhibit A

RECYCLED

City of Cambridge, Massachusetts
Planning Board
Public Hearing

PB# 157, 229-243 Vassar Street, IPOP Special Permit

Tuesday, December 7, 1999
Central Square Senior Center
806 Massachusetts Avenue
Cambridge, MA
8:05 p.m.

Planning Board:
Florrie Darwin, Chairman
Pamela Winters
Hugh Russell
Larissa Brown
Thomas Anninger
Keith Benjamin
Barbara Shaw
William Tibbs

Community Development
Beth Rubenstein, Director
Les Barber
Liza Paden
Roger Boothe

THE CHAIRMAN: We're now moving to Planning Board Matter Number 157, the MIT dorm, the IPOP Special Permit hearing on the MIT dorm at 229-243 Vassar Street. People who wish to speak on this subject, please sign up. This is actually a second hearing because one abutter at the last hearing, one abutter claimed that he had not received notice. And so we are continuing the hearing till tonight.

I see we've gotten a huge brief that was just delivered which will be impossible to read tonight, so if we end up voting on this matter tonight, that brief will go unread.

Because of our rule, that's right, which are that materials are supposed to get here a week before, or certainly by the Friday before at the latest.

So I guess are you representing this abutter?

MS. McCABE: Yes.

THE CHAIRMAN: Would you like to speak?

MS. McCABE: Sure.

MS. RUBENSTEIN: Do you want a presentation?

THE CHAIRMAN: All right. I'm sorry. Why don't we have a brief presentation by the proponent. Thank you. I'm sorry.

MR. BACOW: Madam Chairwoman, we need one second to put the slides back in again.

THE CHAIRMAN: Sure. About how brief is this presentation going to be?

MR. BACOW: How brief would you like it?

THE CHAIRMAN: About this brief. Pretty brief. We only have a half hour scheduled.

MR. BACOW: And I'll take about five ten minutes or so, probably take approximately the same amount of time to show the photographs that you requested.

THE CHAIRMAN: Great, thank you.

MR. BACOW: Madam Chairman, are you ready?

THE CHAIRMAN: Yes. Would you please introduce yourself.

MR. BACOW: I'm Larry Bacow, Chancellor

of MIT, and I'm pleased to be back here yet again before the Board. Let me try and briefly once again present this project to you. I would like to point out that I'm joined by a number of my colleagues from MIT who were here previously, some of whom will not speak but are available to answer questions. If you'd like, Paul Smith from Rizzo Associates, Tim Bad from Stephen Hall Associates, Katherine Donnaher, Bob Simha our planning director.

This is our new undergraduate residence located at 229 Vassar Street adjacent to our campus. Let me briefly describe this project to you. This project represents 350 student beds. This is an undergraduate dormitory. It will have also 15 units for faculty and visiting scholars including 10 graduate advisors. So really five units for visiting scholars and visiting faculty as well as 10 graduate advisors. Like our other undergraduate residences, two apartments, one for house master and one for an assistant house master. This undergraduate residence will also incorporate dining, spaces for students to meet and congregate as well as various types of activities, music

practice rooms, and other things like that. And adjacent to the site will be a pocket park for the community.

To give you a sense of the overall project, this project complies with the Cambridge zoning ordinance in terms of height, floor area ratio, as well as open space, meets the use for the district, as well as the required parking mandated by zoning. This residence we believe accomplishes the city goals, conforms to both the zoning ordinance as well as IPOP, provides new housing for the area. Let me again emphasize that our goal is to try to accommodate the housing needs of students on campus so as not to strain the Cambridge housing market. Provides amenities to the community in the form of additional open space adjacent to the site in the nature of a pocket park. We're planning on street improvement to Vassar Street to try to improve the urban design characteristic of this particular area. And also has been designed in a way to anticipate the development of the urban ring.

As I described at my previous presentation to the Board, we believe this project

meets the growth policy objective of IPOP. And I hope it's not necessary to repeat all of them, in the interest of time. If you wish I would be happy to comment on them.

But let me also note that it has no substantial adverse impact on city traffic. Specifically this project has an extremely low single occupancy vehicle rate, and our analysis indicates it generates insignificant daily peak and hourly trips, negligible vehicle Qs, and we are already taking efforts to mitigate high accident rates at other intersections that are nearby, specifically Vassar, Mass Ave., and Memorial Drive.

The Institute has undertaken a number of other measures to try and mitigate traffic problems which I think we already described to you. There is freshman who do not have housing -- excuse me -- do not have parking on our campus. We would like to so be able to house them. We have been increasing our parking fees, expand shuttle services, taking other measures designed really to discourage people from bringing their cars to campus and make more use of public transit as well as

bicycles.

In addition to this we've also been participating in a variety of other programs which are designed to mitigate the traffic that is generated by the people who work on our campus. And some of these are just described here. I would be happy to go over them in more detail if there is a specific interest.

In designing this project we have been careful to try and anticipate and think about the view corridors that exist between Cambridgeport and the river and trying to preserve those in the design of this project.

This building has been designed to be a porous building. By that I mean we're concerned about not erecting a wall building along Vassar Street. It's a very narrow site, as you know. And when you see pictures of the buildings, you know, renderings, you'll notice it has openings cut out of the building to try and mediate the experience of the building from the street. All facades are designed so it has no front and rear to it, projects the same image to the north as it does to the south

towards our campus in anticipation of the development of the urban ring and activities to the north. And you'll see a number of use from Cambridgeport and our campus.

I would like now to turn it over to our planning director, Bob Simha. At our last meeting you requested we try and illustrate what some of the views are likely to be, both from Vassar and from the campus, and Bob will describe that to you.

MR. SIMHA: Bob Simha, director of planning at MIT. And very quickly I'll go over the questions that were raised at the last meeting. There are several views of the building which several members asked to have expanded, and to show the building as it would appear from several other points in the Cambridgeport neighborhood as well as on the MIT campus. So let's look at those.

This is a guide on your right that shows the vantage point where various photographs have been taken. The photograph on your left is actually taken from the Howard Johnson Hotel. And you can see the building, the white building in the center of the photograph is the one that you have

seen before. Right there.

We're now looking at Item 2 from the top of 640 Memorial Drive and you can see the building roughly in this location here. It's seen by the Cambridgeport Commons project.

Next one. And here now from this corner of the 640 Memorial Drive you can see the building here looking at the end of the view. This is the right of way. This is Vassar Street. And this is the building here.

Now, looking at it from closer on to the campus, this view from 4 just in front of our graduate student housing and our athletic field is the way the building would appear.

Looking at it from 5, which is within the area of residential development along Sidney Street, the building is entirely blocked by this building, if you were looking at it from this corner.

MR. BENJAMIN: Is it blocked if someone is in there at one of the upper floors and looks out of the window.

MR. SIMHA: Good question. If you are

on the top floor of that building, you might see the upper floors of this building.

Again from the ground level at this point which is just in front of the Cale Paint Company, you can see the building sort of coming out of the corner. The reason we took it from this particular location, this is the intersection of Putnum Avenue and Waverly Street, the principal street that people from the neighborhood would normally use if they were coming toward the campus in this location. And you can see it here. It's this street coming down this way. It's the only major thru street at this point.

7 is Fort Washington which I think most of you are familiar with. And from this point you see the higher building displayed. Moving back to Erie Street, the intersection off Erie and Sidney, you can see the building here, obscured by the new garage built by the Lime Real Estate interests, and you can from this point see only a corner of the building.

And from 9, which is at the corner of Sidney and University Park, now looking at it from

the point of which University Park begins at this location, this is the way the building will appear.

MR. RUSSELL: You have a vacant site which you have plans to build another residence on; is that correct.

MR. SIMHA: Sorry?

MR. RUSSELL: You're looking over a vacant site that you have plans to build a residence on; is that correct?

MR. SIMHA: That's correct.

MR. RUSSELL: If you build the residence you wouldn't see anything.

MR. SIMHA: You go back though one. Point being made, this area is currently a parking lot. It is scheduled for development of a major residential facility that would rise from 45 feet to 60 feet across the spectrum of this site from this point to that point. And in all probability this building would be largely obscured by that.

MR. RUSSELL: You can see by the light poles roughly.

MR. SIMHA: Yes. The next one. We're now at this point on Vassar Street. Just coming

down from Massachusetts Avenue. We are at this point the stadium is on one side and this is the way the building would appear.

And then finally from the campus itself, back to general location of Amherst Alley and McGregor House, this area, this is how the building will appear at night.

We would be glad to answer any questions.

THE CHAIRMAN: Are there any questions from the -- does the board have any questions that it wants to pose to Mr. Simha?

MS. BROWN: May I ask, out of curiosity how big, what is the dimension of those, all the small corporations, the apertures and the facade.

MR. SIMHA: We should ask Tim Bad, the architect.

MR. BAD: Tim Bad, B A D. The windows are two feet two inches square.

MS. BROWN: So in each dorm room how many of those will there be?

MR. BAD: In a single room there is nine windows, and we used the nine square grid. So

the middle band of windows it is at eye level.
MS. BROWN: But each one of them would -- and how much is in between them?
MR. BAD: It is 14 inches in between each window, and the windows are set back. It's part of our, a larger strategy of trying to create a green building. So what we're using the depth of the facade to help shade the windows on the south side.
MS. BROWN: What is the material about the facade and then the interior, that people who live there will be experiencing?
MR. BAD: The facade is a clear andonized aluminum, and what is shown in some of the slides is we are experimenting with putting some color on the side and the jambs of the windows so when you look at the building obliquely you start to get a sense of the building changing dimension so you get areas of color on the facade.
The interior surfaces are largely gypsum board, and there are some exposed concrete surfaces and some perforated plywood.
THE CHAIRMAN: Other questions?

MS. SHAW: I have a question perhaps for Bob, I'm not sure, about the assignment of land to the project. How is it guaranteed or perhaps Beth can help. Beth, how is it guaranteed that the land assigned to a particular project is clearly maintained as that assignment? How do you know, in future time, how does the assignment --
MS. RUBENSTEIN: I'm not sure I understand the question.
MR. RUSSELL: I think I know the answer.
THE CHAIRMAN: Restate the question.
MR. RUSSELL: Let me give the answer and maybe that will make the question clear. The answer is the blocks are divided up into lots, and when you consider each lot, the zoning has to work on that lot. And for zoning purposes all adjacent parcels owned by the same owner have to be counted as the same lot.
So there is this very, very long lot on Vassar Street or fairly long street because MIT owns quite a stretch down to the end of the site. So each time they want to build on that site, they have

to produce a calculation that says the rules for that lot are still satisfied. And that's, I think that's the answer to the question you're asking.
MS. SHAW: That's an answer to a similar question.
MR. SIMHA: Let me try to give you a more specific answer. In filing a comprehensive set of construction plans for this project, we are required to file a site plan, a surveyed site plan. That surveyed site plan designated the area allocated to this project, calculates the amount of land area against the floor area ratio required, and those are filed with the Department of Inspectional Services and represents a legal commitment.
MS. SHAW: Thank you.
THE CHAIRMAN: Bill?
MR. TIBBS: I guess I have two questions. One, when we just briefly talked about this building before, there was a concern for scale, that the building seemed large to the pedestrian as they were walking down Vassar Street. As a matter of fact that was a concern we had, and I guess the question, and I don't know who would be the

appropriate person to answer it, but how do you see your elevation treatment relative to the scale of the building relative to the views that you presented? I mean clearly it's a building that is viewed from, can be viewed from places other than just on the MIT campus. And I'm interested in how you see it as -- how would you like its neighbors who can see it to view it? What are you attempting to do here?
MR. BAD: We really looked at the issue of scaling in a couple of different ways. The two predominant ones are the urban scale issues which are outlined in the zoning ordinance of really trying to address issues of view corridor and how the building is perceived from different areas of the neighborhood. And that's what led us to this idea of a porous building, of creating these large urban scaled cuts.
The other way that we looked at scale is on a more intimate level, the street scale. And what we provided, which was presented last time, was certain ground level programs that really start to enliven that section of Vassar Street which would

be, we have a cafe with some outdoor dining, some glass awnings, very pedestrian scale. The pocket park, which both Bob and Larry have referred to, and also the materials at the street level. We're looking at using bluestone in the pocket park, certain types of plantings. We're using our storm water runoff to create some small water features in the pocket park. But really trying to deal with the scale of the pedestrian level really on that ground floor and using the program of the building to help enliven the street.

MR. TIBBS: I think that the particular feature that brought on the scale issue was, or concern, was actually the real modulary of the windows and the fact they come right down to the street. And because it's interesting you do, it is porous in the sense that you have these big chunks out of the building, but the rest of the facade treatment actually makes it almost look bigger than it may even be from my -- I'm wondering if that was something that you were conscious of, or do you think I'm not seeing it correctly from your architect view or whatever.

MR. BAD: We think the windows as a kind of smaller scale version it really denies a sense of scale in a way. You're not sure how big it is. So when you see it from the urban scale you really notice the cuts, and being able to look through and see the sky or allowing the sunlight back onto the north side of the street. Then at the ground level actually has some very large openings at both the entry and two very large ones at the dining hall, and those are really meant to allow views from inside out to Briggs Field but also allow people to look into the dining area. This area at night is not so populated, and we're trying to create a draw for students across Briggs Field to really see this as an active place at night. I think that the dining room, the two dining room windows I believe are about 30 feet across and the lowest one is almost 50 feet across.

MR. TIBBS: One more question and I guess this almost has to go to MIT because, relative to, I know it's somewhat premature, but do you see this as a singular building in itself relative to what you have described as a continual development

of this whole parcel from more dormitories in the future or do you see it right now as you do your planning and look at it do you see this as an example of the kind of treatment particularly in terms of scale in elevation that you would have? Are we going to see multiple versions of this in different forms or is this some singular architect statement?

MR. SIMHA: In assigning this commission to Stephen Hall and Associates, we asked them in the spirit of the zoning ordinances definition of criteria for the development of this special district to address the question of how this entire area would be developed, mindful of the fact that there are special provisions in this district for special consideration of height above the hundred foot height limit.

And in the course of their work, they suggested a variety of forms that might be the basis for designs of other houses along the street. This is one form. Others were quite distinctive from these. And I think some of the members of the board have seen some of those. There were some tower

elements and there were some other architectural forms that characterized the other three prospective site developments. And I think it's fair to say that it's highly unlikely that this particular form would continue but that other forms would be explored in prospective projects in the future, for these residential buildings.

THE CHAIRMAN: Barbara Shaw.

MS. SHAW: I have a question about the parking. It's probably my understanding of zoning that is lacking. But if the parking is in full compliance with zoning, it seems like the parking spaces are way undersized, and the tandem parking, could you explain the garage just a little bit.

MR. SIMHA: That is going to be easy. For financial reasons, the garage has been eliminated from the project, and the institute will provide the necessary parking in standard parking spaces on an adjacent parking lot, which we are in the process of developing, on site, immediately to the west of this building.

MS. SHAW: That answers it.

MR. SIMHA: Actually right where you

have your hand. We apologize for not providing you with the most current drawings, but this is a decision made very recently. We are now exploring how those, some parking space that may be required for service requirements directed to the building might be made available on the site itself. We haven't really completed that yet. We are very mindful of the fact that we have an obligation to provide for the spaces not only in appropriate dimension but also in a convenient fashion.

THE CHAIRMAN: Okay. Since this is an IPOP hearing, just an IPOP hearing, I would just ask Ms. Clippinger, did you have any further comment? We got a memorandum from Sue Clippinger, and in the memo you had said that one concern you had had was the 32 parking spaces, additional parking spaces. Is that still an outstanding issue for you? If you could just sort of comment on where you're at, and then we'll get into the public hearing.

MS. CLIPPENGER: The previous conversations relative to the parking spaces were about whether the 32 spaces would be in addition to MIT's total supply of parking or not. And at the

previous hearing the commitment was made that there would be no additional parking to the total MIT supply, which is something obviously we care about. The elimination of the parking from the building is a new change, since this has occurred, and we do care about where the spaces that are displaced by the building end up being located, and have worked very hard with MIT on the next project you're hearing, about to hear about location of parking and impact.

So I think that it will be our preference that those spaces stay in the Vassar Street corridor. So that is an issue of concern, obviously, to the city.

The only other issues that have been of interest to the City about this project, one which I think we talked about which was accidents at Vassar and Mass, and they have done an excellent job of analyzing those accidents and indicating that the proposed construction plans at Mass Ave. will make safety improvements to that intersection.

And the other concern that we have talked to MIT about is an interest that the city

would have to have bike facilities available to serve that dorm when it opens, which is a controversial issue but which is one that I hope we can work out with MIT.

THE CHAIRMAN: Thank you. We're now going to open the hearing, reopen it for public testimony. I would like to ask people to limit their comments to just a couple of minutes. And I would just like to ask, I notice that there are four people signed up. Are you all representing the same abutter?

MS. McCABE: Yes.

THE CHAIRMAN: And four people are speaking.

MS. McCABE: Yes. We felt that due to the complexity of the project and the fact that we have not really had sufficient time to study it, we needed to bring our design professionals with us to give their comments directly to you. If you note from the last time, we did not know about this project, never mind the public hearing, until after the public hearing had occurred.

THE CHAIRMAN: You were at the public

hearing.

MS. McCABE: We missed the first public hearing completely. We did not receive our legal notice, and we had no actual knowledge of it.

THE CHAIRMAN: All right. Now I've gotten it. And you're here. All right. I just wanted to see. So the first speaker will be Henrietta Davis.

COUNCILOR DAVIS: And I'm here because I'm concerned about the size of this project and the fact that I believe that the neighboring people and the neighborhood that abuts this on the other side of the railroad tracks really have no idea that a project of this magnitude is about to befall them. I am quite concerned about that in and of itself because it is such a very large project and one that I think will have a visual impact on the Cambridgeport neighborhood to the, I guess it's north actually, of the site.

In addition, Vassar Street is a very important street for the city. It's a thru street on the eastern side of the city, and my concern is that this street will somehow be constrained from

use for the public. This has been a matter of concern for a number of years, and MIT has not been particularly interested in having the kind of traffic that, I would say, I don't want to say anything non-political, but I think every street in the city has to take its fair share. And this is one of our city streets. Placing a dormitory on one side of a busy street on which on the other side there is the rest of the campus; I think is going to present problems in the future as far as trucks that use the street, buses that use the street, and people who are going through the city, and need to have an avenue for making their way.

I hope very much that the planning board will consider both its visual impact on the nearby neighborhood and the need to retain Vassar Street as one of the eastern east side thru streets that can be used for our very heavy flow of traffic which I'm sure you're all very aware of. It's the reason we have these IPOP hearings in the first place. I am not sure how if the criteria allows you to measure what the impact might be of any kind of later constraint on this road, but I just want you

to bear that in mind and apply that concern as it comes up. Thank you.

THE CHAIRMAN: Thank you. Kathleen McCabe.

MS. McCABE: Thank you. I'm representing John J. Donovan, Junior, trustee of the 219 Vassar Street Realty Trust, the owner of the abutting property. With me tonight is Edward Woll of Sullivan and Worcester; Maurice Freedman of Pressley Associates who is an engineer and has been certified as counsel of real estate and acted as a development consultant. He has also attended MIT and taught at both Harvard and MIT Center of Real Estate. Also Rod Emery, a traffic operations engineer from Highway and Traffic Signal Design. We'll all be available to answer any questions that you have.

As I just mentioned, this is a very unfortunate occurrence that we were not aware of the project during the several prior months during which the project was being presented and analyzed by the city. It would have made life a lot easier for us and for the board members who I know would like

to -- also wish that this was not happening.

We have worked very hard to hire our professionals and get their reports, assemble the data, and this was absolutely the earliest that we could have submitted any written materials.

We also wanted to let you know that as we left the last hearing, the board requested that MIT communicate with us. We did not hear from them. We attempted to contact them on numerous occasions, including sending them four letters, and we had absolutely no substantive response to our requests for information or to sit down and have a meeting about our concerns. We had one brief non-substantive call from an attorney who we believed was not in a position to represent MIT because of a conflict.

The first call of any substance came late today, late this afternoon in which we were told MIT was not going to address our client's concerns. We were hoping to not have to submit the written materials laying out our technical objections, but at the point that we got that call late this afternoon, we made our final preparations

and were able to deliver the materials to you by 7 o'clock. I know it is beyond your deadline, but I think given the extraordinary circumstances that MIT has not communicated, and we did not receive the initial public notice from the planning board, I respectfully request that you take the time to review our written materials that we've submitted, even if it means a continuance. We would appreciate your consideration of our materials. We don't want to tie you up tonight by giving you every detail that is in the written materials, but we feel that this is an extremely serious situation for our client.

And on initial glance it looks as though it is a David and Goliath. It is our client versus MIT; but I think when you review our materials and hear them tonight and hopefully able to read our materials, I think that you will see that we very much agree with Councilor Davis, that this has an impact on the business owners on Vassar Street, Albany Street, the residential neighborhood in Cambridgeport, and really city wide.

This is not just an issue between my

client and MIT. It is really a much broader issue between a vibrant business community and the University. And we hope that you will understand that as you take time to review our materials.

We are aware of MIT's need to build this dorm, and I am very aware of the city's desire to have this dorm built. I have spoken with numerous city officials over the months as I've tried to gather my information. And I got the message loud and clear from the city officials that the city wants this project to happen.

We do not object to the dorm. We simply request that modifications are made to the plans which address my client's concerns.

THE CHAIRMAN: We would love to hear what the concerns are.

MS. McCABE: We're about to lay out three categories of comments. One is zoning violations that we believe exist at the project. Two is impacts of traffic and parking. And lastly our concerns about the architectural design and whether it is in compliance with the general special permit requirements, the IPOP requirements and the

special District 6 requirement.

The first speaker is Ed Woll of Sullivan and Worcester who will address the zoning and parking issues.

MR. WOLL: Thank you very much. Good evening. I'm not going to give you an introduction except to respond and go directly into the zoning issues. This is a multi-use building. It's not just a single dormitory. It consists of 350 single unit dormitory units, 17 dwelling units, and a restaurant and dining facility which has 253 seats and public open floor area of that requires another 150 seats on the ground floor. And MIT has stated to this board and in its presentation materials that this is a restaurant that is open to the public. So it has a retail function as well.

MIT's application does not address the parking requirements that are mandated for the multi-use facility in its presentation. First, for 350 students you require 29 parking spaces. For 17 dwelling units in the C 3 residential section, which is the residential section that's required under special District 6, you require 1 parking unit per

dwelling unit. And as you saw there are 17 dwelling units for 10 graduate student faculty, five visiting professor faculty, and two house masters -- assistant house master and senior house master. In addition, that is a total right now of 46 spaces. MIT only says 32 spaces are required and only 32 spaces are provided on site in this building. And you need on site, off street parking of a minimum for residential purposes of 46.

Now let's turn to the restaurant. The restaurant shows on the diagram I think in the plans you have before you, 235 chairs around the tables. As you know, you need 1 parking space in this district for 60 seats. That is 4 additional parking spaces right there. That is for an institutional dining facility. Nothing to do with open to the public. An institutional dining facility. In addition, it has a servry area and a country kitchen which if you take the square footage which is not seated, doesn't have seats in it, is 3,000 square feet. Under zoning bylaw 6.36, 20 square feet of open floor space is required for one seat. 20 into 3,000 is 150 seats divided by 60 is another 3 seats.

So there is another 3 parking spaces. So the restaurant alone for an institutional dining facility needs 7 seats.

But that is only part of the story, because this is really in effect a retail establishment, or it's a combined institutional use and retail establishment. If you take a look under the business provisions under the use provisions for a lunch room or restaurant, you're required in this district, C 3, to have one space, one off site parking space for between 10 and 15 seats. If you add those on here, you come up with a maximum for this building of restaurant seats and residential seats, residential parking spaces, off-site parking spaces, of 85. Only 32 are provided for this project. And as you know even though this is educational use, parking is a major requirement that you can require an educational public use to provide.

Now, in addition, since it is a retail restaurant use which has been clearly advertised by the MIT officials to this board and in their presentation materials, they need a variance to

conduct that facility. You can't have a public restaurant accessed by the public in this district. You have to have a variance for it under a special District 6. It's not allowed in that district. There is no certification of a variance for that use. In addition, because of the additional parking requirements, you need probably certification from the building inspector that there is zoning and variance compliance. I don't see any such certification for that that has been presented to the building inspector for such certification. In addition, there is no handicap parking spaces provided for in this building. The 32 don't provide for that. And I'm sure that that is in violation of the zoning ordinances as well.

Now, let's turn to one other issue, and that is loading bay requirements. This building requires four loading bays. MIT has totally ignored the loading bay requirements for this building that is required because it's a restaurant, a dining facility. It doesn't provide for that, and that is not provided in their plan.

But the zoning issue doesn't tell the

whole story. What is happening here, as you're taking 350 students who live in other parts of Cambridge and others parts of the surrounding areas who have vehicles parked in those areas and inserting them into Vassar Street, as Madam Councilor suggested, they're being put right into Vassar Street. And most of those students have cars. The reason we know that is because MIT's application says the majority of the students take public transportation who don't have vehicles. Well, the majority is 50.1 percent; therefore 49.9 percent of those students we presume are going to have cars. But there is nothing in this board -- there is nothing in this presentation by MIT that says how many students at MIT have cars. And so you're going to have vehicle owners in that building, which are going to bring vehicles in that building.

Now as you know, students, if they live in Cambridge and register their car in Cambridge, they can get a residential parking permit for Cambridge. That is my understanding. If that is so, and you have public parking on Vassar Street,

the only place those people are going to go ahead and park is Cambridgeport and the surrounding residential neighborhood. So you're bringing all those vehicles into the neighborhood which can overflow and inundate Cambridgeport and the surrounding residential areas with those parking, with those vehicles.

In addition, you're losing 156 spaces for -- that MIT says relocate elsewhere. MIT will have to demonstrate to the building department here that those spaces to which they're going to relocate don't go ahead and push other spaces out of the area and they'll have to resubmit a parking plan to the city to be approved by the city before they can go ahead and relocate those spaces legitimately.

In addition, there is an agreement called the Casber Agreement, under which MIT appears to be able to take the sidewalks and expand them in the middle of the street and make Vassar Street smaller which further aggravates the traffic circulation. A woman talked earlier about this avenue being an important public street. Well MIT under the Casber plan, I understand, will be able to

go ahead and narrow that street, and in addition change the angle parking to parallel parking which will further reduce the public parking available on the street and further eliminate this as a practice -- as a public street in this area.

What I would like to do is because of the inundation of the 350 students in the area and the other issues regarding traffic, I would like to have Rod Emery come and talk about the traffic impact which has not been addressed by MIT. Thank you.

MR. EMERY: Thank you. Again my name is Rod Emery, president of Highway & Traffic Signal Design. I have prepared a small letter. I prepared a review of Rizzo's traffic study. It's material I don't think you have before you, but I have it here that I can hand out copies.

The IPOP process involves five thresholds, if I can break it down very simply to traffic impacts for a proposed project. A lot of the -- four of the five have a volume component to them, although they're not all volumes, and the last one is safety or traffic accidents which is not tied

to volumes.

Probably the most time or the most reviewed time I spent on the traffic study involved the trip generation. And as you heard Ed mention between parking being in the building, out of the building, being relocated, it's a little bit of a moving target in terms of trip generation; but let me build a case that the first two components of the threshold are pure traffic volumes and traffic on residential streets.

I believe the trigger is about 240 vehicles as a measure of traffic impacts for thresholds.

The project starts out with a foundation for traffic based on apartments. And the regulations in the IPOP recognize that Cambridge is a city that doesn't necessarily fit the nice molds of standard rates that are from an average across the country. So there is a factor put in to localize the effects of being in a city environment to traffic volumes.

So three components of trip generation, real quickly, an apartment was used as the basic

mold for generating vehicle trips. An apartment is an average of, if I just use Massachusetts as a population, apartment in Framingham and apartment in the city, and the average of those and come up with how many trips per apartment or per dwelling unit that you would generate. This refine data based on census tracks that knows exactly how many people by different mode splits within this census track within this particular population drive alone, car pool, walk, bike, or take transit. And those factors were applied to the standard ITE rate and try to come up with an estimate of trip generation.

As I said, there are three components of this. The apartment in itself is a population of people that normally live in the building and work somewhere. If I had to characterize a dormitory as an apartment building, it would be like a lot of single studio apartments which I think has a little bit of different characteristics from an apartment building where there is roommates and couples that live together that might generate less traffic.

Secondly, if you looked at the process followed for generating traffic, ITE says about 100

trips in the morning that would be generated from an apartment building and approximately 130 that would be going home at night. That number --

MR. RUSSELL: Kids are going to drive to MIT to go to class?

MR. EMRY: No. I want to build a case on how it was done.

MR. RUSSELL: Isn't that the basic assumption you're making by characterizing them as apartments?

MR. EMRY: That's my point. I think the result said in the report that 14 percent of the people in the census track drive alone. Why would anybody drive alone from a dormitory to MIT.

THE CHAIRMAN: Why would anybody drive period if it's across the street?

MR. EMRY: Absolutely. I agree with you

THE CHAIRMAN: So what is your point?

MR. EMRY: My point, the trip generation information distributes traffic based on apartment rates, tells you how many people take transit, how many people walk or bike. It's a

population that looks like somebody walking or working in the city or adjacent to the city. The number of single vehicle trips that are generated by that, I think are just an arbitrary number.

THE CHAIRMAN: But if anything wouldn't it be overestimating for this situation?

MR. EMRY: How can you conclude that? You would --

THE CHAIRMAN: Because people here are going to, quote, work across the street. They're living on campus. And they're going to school there.

MR. EMRY: If everybody went to school there the trip rates of the 384 people that reside in the dormitory, 250 of them are not accounted for in the morning peaks or the morning or afternoon peaks. They're not accounted for. Just a very small population that are derived. So I'm saying I agree. I think the number is small but the way the trips were generated is in factual can't be backed up.

Now if you then add to that that you have employees that need to work in the dining

halls, you have parking spaces, I don't think the case has been built exactly what an accurate number is. It's just that visually everybody thinks that it's a small number. Levels --

THE CHAIRMAN: Are you saying you think it's a big number?

MR. EMERY: I'm not saying it's a big number --

THE CHAIRMAN: We're interested in what the number is.

MR. EMRY: I don't know what the number is. I don't think the case has been presented. But if you look at the way intersections were analyzed, because after you take the volumes you look at level of service, how well the intersection performed, how long the Qs are at intersections. These are all other thresholds. Those are all based on the volumes of -- and a lot is traffic already on the roadways. Analyses were made based on intersections that have poor safety records. That's the last criteria. The last criteria is if you have intersections that have five accidents a year they need to be mitigated, irregardless of the number of

trips.

And my final conclusion or final statements about safety is we have an abutter that has a building on Vassar Street between Mass Ave. and Memorial Drive. Both of those locations are high accident locations. The city has a project that is going to improve Vassar Street and Mass Ave. I recommend that probably a different set of pedestrian accommodations should be made, maybe concurrent walks which improve the level of service and give more crossing opportunities. And Memorial Drive at Vassar Street which is not a signal light intersection, it's an unsignal light intersection with very high accident rate. Recommendations were there just to improve signs to sort of warn people that people might be stopped on the road, proposed traffic signals at that location. Improving the nonstandard signal indications at the signal at Memorial Drive at the Hyatt where vertical arrows and red balls are displayed at the same time which I think leads to some driver confusion.

So try to improve the safety, I guess, of the adjacent location regardless of the traffic

impacts I think are the conclusions of the report.

THE CHAIRMAN: Thank you.

Mr. Freedman.

MR. FREEDMAN: The tiny building here is our client's building, 219 Vassar Street. And what you are seeing is an aerial photograph thanks to the MIT network courtesy of the Department of Urban Studies and Planning. These are available on the Internet.

This is Vassar Street. Our client's building is this building at 219 as you see. What is interesting about this aerial photograph, it was taken from the south looking north. So you see the buildings and cold storage warehouse, MIT parking garage, this gap where the parking is, another small building, a gap, our small building, and next to this you see some overlay where the larger dormitory building goes in. So this shows the general area. This is Washington Park here, Erie Street, and the corridor referred to back here. The neighborhood itself is obviously to the north.

Now, normally, people look at shadows. Normally people do look at shadows particularly when

a very large building is placed to the south. South of this direction is this way. This is southwest. This is west. So the afternoon sun is out from that direction. And our little building is just to the east of this large building.

These are a number of astronomical charts looking at right here we are now looking at the winter solstice. This rectangle is the building 384 feet long some 53 feet wide you saw in the various illustrations earlier. And there are two spots on this map that we put here. One is 50 feet from our little building which we'll show you. And another one of the suggestions is communications is perhaps move the building further to the west, and we have another position 200 feet.

But in looking at the shadow, this is the winter solstice view, and this puts the building, our little building is right here. You can see the afternoon shadows fall on this building. The building is only three stories high. The top two floors are all windows facing to the south, to the south, to the southwest and to the northwest. Their offices are high tech computer programs

working there. Part of their environment is sunlight and air. So now we have this 100 foot building 50 feet away. Those are the shadows. This is late afternoon, the magenta color is during the midday. South as you may know this time of year the sun is about 27 degrees. If that was south about 27 degrees at noontime. Rises in south, southeast and sets in the southwest. And in the summer days -- did I say winter? Winter. Winter solstice we're approaching, December 21st.

As we look at the summer solstice, the sun climbs much higher and you can see the shadows here in the afternoon and during the afternoon and later part of the day cover the building again. And in the summer at noontime is roughly 73 degrees. Rises in the northeast goes up to 73 degrees and sets in the northwest, and that's what these shadows show.

Mid season kind of effect, is the autumnal equinox, and here you can see the sun in the afternoon covers this entire building and drowns it by shadow. If the building were to be moved 200 feet from this building, the shadows become much

less intense. Here it doesn't, just but a few hours in the day. Sorry. It's hard to see but you can see the idea of the building in the shadows and this is all through the same scale 100 feet to the end. And then winter solstice which we are on now if we move the building some 200 feet away, a lot of sunlight except in that part of the day when the shadow crosses the building.

The shadow studies are normally required in many urban projects particularly where there is concern about neighbors and particularly when there is a very high building next to the small building.

Another thing to look at here is elevation. I think several people earlier addressed concern what does this do on the street. This is the best depiction we could make from a series of photographs and elevations we got out in the field by some triangulation. This is the cold storage warehouse. This is a scale of 1 inch equals 30 feet, true scale both ways. And it really shows the scale of the street, cold storage warehouse 70 feet high, parking garage, small other office building,

our client's building here, three-story building, and a hundred story building through in this area. We are also, I think if you look at the map, I'm not an architect. I'm an engineer. But it's kind of common sense when you look at this and you really see it. And I have a handout for the board, smaller version for all the members, of these two elevations. One is presently proposed and one as we'd like to have MIT consider for its movement. I think the rhythm of the street, if that's the proper word. I can ask the architect. The rhythm of the street if you look at the entire street, and by the way, as you go to the west beyond here it's just all, just parking lot about a thousand feet.

So this is a correct view of the rhythm of the street. Certainly when you see little, little, little, little, big building, close, you can see that would be worth considering the view of the building, let alone the view that the neighbors and Cambridgeport looking to the south, seeing this building mass. This is the scale of the building actively portrayed.

So this is our best effort to be shown

an honest relationship of the street, to raise it for the board's consideration, and I'm sure you will think a bit about this.

THE CHAIRMAN: Do you have any other issues that you're bringing up?

MR. FREEDMAN: What's that?

THE CHAIRMAN: Are you bringing up any other issues, because we would like to really move along. If you could kind of condense some of it.

MR. FREEDMAN: Keep it brief, as you requested, and if you want any further information as we do suggest that the applicant should have considered these things particularly when there is such a small building next to them. And so we had to take a look and examine this. Thank you.

MR. WOLL: And if I may just sum up very quickly, as you heard, we suggest that the building be moved over a hundred 50 feet from present location. That will eliminate the shadowing on our client's building, will also comply more with the requirements of special District 6 under Section 7 E.6 2 or 3 I believe where you have to take into account the neighborhood views across and through

the MIT campus. The last subsection under 7.6 2 and moving the building over that hundred 50 feet will allow the vista to be preserved from what is going to be ultimately MIT residential areas across the parking lots and will place the building right in line with existing buildings on the other side of the railroad tracks on this side of Albany Street. And so you won't have another massive building there that will cut off views but will be in line with existing buildings.

In addition, we think that you must address the additional off-street parking requirements that we've referred to, and that you should address the parking congestion that these student owned vehicles will create in the area all of which affect our client's ability to run a business which has generated and incubated many successful companies such as Cambridge Technology Partners, Sapient, a company acquired by Laser Fit which is a thousand -- several hundred employee company in Cambridge and generated literally thousands of jobs out of that facility for Cambridge and actually has seminars and programs there that

occupy over 4,000 or 8,000 hotel nights for Cambridge and provides substantial business for Cambridge in its food service and other developments. That is more fully set out in the brief that we submitted which we hope you will consider given the circumstances under which we had to prepare this, and the fact that we were only able to pull this material together in the last couple of days, given the time pressure and the failure of MIT to meet with us. Thank you.

THE CHAIRMAN: Thank you. So that concludes the public hearing. I guess we're going to --

MR. RUSSELL: One question. Just a single question to MIT, could you clarify the use of the food service facility in the building.

MR. BACOW: Yes. The dining hall will service the building, and like our other dining residences on campus will also be open to MIT students who choose to come and eat in that dining residence. All of our dining halls are student residents of one hall can eat at another. And so when we say this is an open facility, it is open to

our campus.

MR. RUSSELL: If I wanted to go there I wouldn't be admitted?

MR. BACOW: Not unless you were a guest of a student in the residence that chose to host you for an evening.

THE CHAIRMAN: Thank you.

MR. BENJAMIN: How many parking spaces are there in that parking lot that is associated with the building?

MR. OWU: Michael Owu from MIT planning office. There are 230 spaces in the existing parking lot. Does that answer the question?

MR. BENJAMIN: We're talking about there is a lot that is shown on the site plan right next to the building.

MR. OWU: The whole lot has 230 spaces. The building, existing, the building will displace a number of those spaces.

MR. BENJAMIN: The remainder --

MR. OWU: -- will continue to be parking spaces, correct.

MR. BENJAMIN: How many is that?

MR. OWU: The building will displace about 125 spaces, so remaining, I can't do the math, the remaining spaces will be, so 230 minus 125.

MR. BENJAMIN: Considerably more than 32 spaces available.

MR. OWU: Correct. And just to quickly address the question, the issue that was raised, at the city's request we'll not be adding any parking spaces to this project. So any spaces that are needed to meet the zoning requirement no matter what that requirement is will be allocated out of existing inventory.

THE CHAIRMAN: Okay. So we'll be continuing this, not the public hearing, but this matter for deliberation, and we'll keep the hearing open for written comments. Certainly, I assume you've given a copy of your brief to MIT? I would hope.

MS. McCABE: Yes.

MR. ANNINGER: Why are we --

THE CHAIRMAN: We haven't made a decision. The matter is still open. So we're meeting again for deliberation.

MR. ANNINGER: Is it determined that we cannot deliberate?

THE CHAIRMAN: We're 40 minutes over our schedule and we have a lot of information, new information, and they may be responsive. I would certainly like to respond to some of those things, I'd like a chance to think about it.

MR. RUSSELL: I would.

THE CHAIRMAN: I'm sorry. I shouldn't assume but there was just a lot of new information, and it's hard to figure it all out.

MS. WINTER: I would like the opportunity to read what just was handed to us tonight. And I can't do that tonight.

THE CHAIRMAN: It would certainly be helpful if there are, I mean if MIT would like to provide some responses to some of the issues that are raised that would certainly help the board. Obviously if you do that, give the objecting abutter copies, and if you all could get together and discuss some of the issues and work some of them out before we meet again, that would be very helpful too. To the extent that there are things that can

be worked out. This is just a difficult forum working those things out.

Do you want to take a brief recess? We are going to take a five-minute break.

(Whereupon the hearing concluded at 9:12 p.m.)

CERTIFICATE

State of Massachusetts)
) ss.
County of Norfolk)

I, *Carol DiFazio*, a Notary Public in and for the County of Norfolk, State of MASSACHUSETTS, do hereby certify:

That the said proceeding was taken before me as a Notary Public at the said time and place and was taken down in machine shorthand writing by me;

That I am a Registered Professional reporter of the State of Massachusetts, that the said proceeding was thereafter under my direction transcribed into computer-assisted transcription, and that the foregoing transcript constitutes a full, true, and correct record of the proceedings which then and there took place;

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this 8th day of December, 1999.

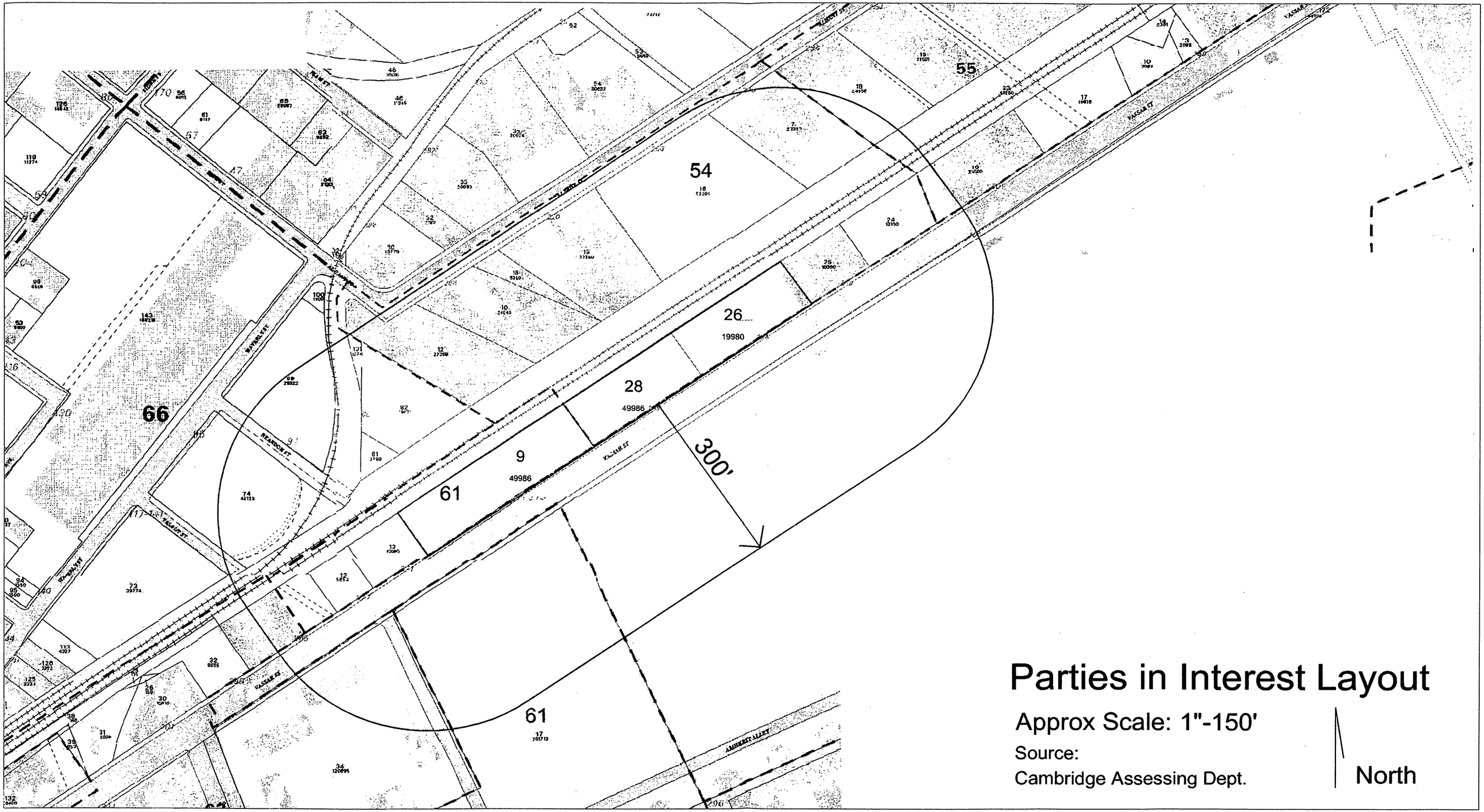
_____
CAROL DiFAZIO, Notary Public
Registered Professional Reporter

My Commission expires January 5, 2001
CSR#: 108293

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.

Exhibit B

RECYCLED



Parties in Interest Layout

Approx Scale: 1"-150'

Source:
Cambridge Assessing Dept.

North

Exhibit C

RECYCLED

NB: This listing reflects the number of students according to the initial assumptions of the housing study (320). This figure is currently under review and discussion in light of student comments and suggestions to increase the number of people to be housed.

* Current discussion suggest that each bathroom would be shared by two people. This assumption is undergoing further study and discussion.

ID no.	description	no. spaces(occupants)	no. stations	NSF/ station	NSF	notes
	GRADUATE STUDENTS					
D-01	Bedroom, Single	20	1	140	2,800	
D-02	Bathroom, shared	10	1	30	300	
	SUBTOTAL			**170**	**3,100**	

ID no.	description	no. spaces(occupants)	no. stations	NSF/ station	NSF	notes
	GRADUATE RESIDENT ADVISOR					
R-01	Study	10	1-2	100	1,000	
R-02	Living Room/Dining	10	8-10	230	2,300	
R-03	Kitchen	10	1-2	80	800	
R-04	Bedroom	10	1-2	160	1,600	
R-05	Bathroom	10	1	30	300	
R-06	Storage	10-20	-	50	500	
	SUBTOTAL			**650**	**6,500**	

ID no.	description	no. spaces(occupants)	no. stations	NSF/ station	NSF	notes
	FACULTY					
F-01	Study	5	1-2	120	600	
F-02	Living Room/Dining	5	1-8	400	2,000	
F-03	Kitchen, eat-in	5	1-4	200	1,000	
F-04	Master Bedroom	5	1-2	180	900	
F-05	Bedroom	5	1-2	160	800	
F-06	Bathroom	10	1	2 @ 30	300	
F-07	Lavatory	5	1	20	100	
F-08	Storage	5-10	-	60	300	
	SUBTOTAL			**1,200**	**6,000**	

ID no.	description	no. spaces	no. stations (occupants)	NSF/ station	NSF	notes
	VISITING SCHOLARS					
V-01	Study/Living Room	5	4	180	900	
V-02	Dining/Unit Kitchen	5	2-4	160	800	
V-03	Bedroom	5	1-2	160	800	
V-04	Bathroom	5	1	30	150	
V-05	Storage	5	1	25	125	
	SUBTOTAL			**530**	**2,775**	

ID no.	description	no. spaces	no. stations (occupants)	NSF/ station	NSF	notes
	ASSOCIATE HOUSE MASTER					
A-01	Study	1	1-2	120	120	
A-02	Living Room/Dining	1	1-8	400	400	
A-03	Kitchen, eat-in	1	1-4	200	200	
A-04	Master Bedroom	1	1-2	180	180	
A-05	Bedroom	1	1-2	160	160	
A-06	Bathroom	2	1	2 @ 30	60	
A-07	Lavatory	1	1	20	20	
A-08	Storage	1-3	-	60	60	
	SUBTOTAL			**1,200**	**1,200**	

Exhibit D

RECYCLED

Exhibit D

respect, all of the House is "programmable" to achieve a desired result.

House Program Spaces, as defined here, are essentially extra-curricular areas, informal and unscheduled, appealing to the residents' varied interests. Functionally and organizationally specific, each has definitive size and design criteria.

The facility programming process now completed did not result in a unanimity of opinion about what constitutes House Program Space. The spaces below have been selected from a list of twenty-five possibilities identified in small group and public meetings. The square footage represents general standards and current MIT experience. Some square footage adjustments can be expected as definitive designs are drawn to fit site dimensions and the overall building concept.

Program Spaces:

House Dining	3,000	NSF
House Dining Kitchen, support, and servery	3,000	NSF
Group I Lounges	3,000	NSF
Group I Small Group Studies	1,500	NSF
Group II Lounges	3,000	NSF
Group II Kitchenettes	400	NSF
Laundries	500	NSF
Vending	100	NSF
Athena Cluster and Support Space (16 stations)	720	NSF
Country Kitchen and Dining	600	NSF
Exercise Room and Support Space (10 stations)	1,600	NSF
Game Room (Eight machines and social space)	800	NSF
Music Practice Rooms*	300	NSF
Photography Lab	200	NSF

Exhibit E

RECYCLED

Exhibit E

LEASE

This Lease is entered into as of the 28th day of June, 1993, by and between the City of Cambridge (the "Landlord"), a municipal corporation with an address at City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts 02138, and the Massachusetts Institute of Technology (the "Tenant"), a Massachusetts educational corporation with a business address at 238 Main Street, Suite 200, Cambridge, Massachusetts 02142-1012.

Pursuant to Cambridge City Council Order No. 9B, adopted by the Cambridge City Council on March 1, 1993, the Landlord has entered into an agreement (the "CASPAR Agreement") with the Tenant and CASPAR, Inc. The CASPAR Agreement has been superseded by the Tripartite Agreement, of even date herewith, entered into by and among the Landlord, the Tenant and CASPAR, Inc., under which the Tenant has agreed to design and construct a health care facility for homeless drug and alcohol users from Cambridge and Somerville and to lease that facility to CASPAR, Inc. for a term as provided in the Tripartite Agreement; CASPAR has agreed to accept that facility upon the terms, covenants and conditions set forth in the Tripartite Agreement; and the Landlord, in consideration of the undertakings of the Tenant under the Tripartite Agreement, has agreed to convey and lease to the Tenant certain interests in several streets located in the City as provided in the Tripartite Agreement. This Lease is intended by the parties to implement those terms and conditions contained in the Tripartite Agreement which are applicable to the lease of the Premises.

The parties to this instrument hereby agree with each other as follows:

Article I

DEFINITIONS

1.1 DEFINED TERMS

The terms defined in this Article shall for all purposes under this Lease have the following respective meanings:

"Additional Rent" means all sums payable by the Tenant to the Landlord pursuant to this Lease, other than Rent.

"Commencement Date" shall have the meaning given in Section 3.1 of this Lease.

"Development Restrictions" means the following conditions to the use of the Premises: (a) that the square foot area of the Premises shall not be used or available for use by the Tenant for inclusion in the calculation of any floor area ratio requirements for any site under the City of Cambridge Zoning Ordinance; and (b) that no buildings shall be erected on the Premises.

"Events of Default" means the events and circumstances described in Section 7.1 of this Lease.

"Governmental Charges" means all water and sewer rents, rates and charges and all other governmental charges, impositions and assessments which may be charged, imposed or assessed on real or personal property or any improvements thereon or thereto or on the owner thereof with respect to such real or personal property or improvements, including, without limiting the generality of the foregoing, assessments for public improvements or benefits.

"Governmental Requirements" shall have the meaning given in Section 5.5.

"Hazardous Material" means without limitation any material or substance which is designated as a "hazardous substance", "hazardous material", "toxic substance" or "solid waste" in (i) the Resource Conservation and Recovery Act of 1976 (42 U.S.C.S. §6901 et seq.); (ii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.S. §9601 et seq.); (iii) the Toxic Substance Control Act of 1976 (15 U.S.C.S. §2601 et seq.); (iv) the Hazardous Materials Transportation Act (49 U.S.C.S. Appx. §1801 et seq.); or (v) the United States Department of Transportation Hazardous Materials Table (49 C.F.R. 172.101); or otherwise designated as "hazardous substances" by the Environmental Protection Agency (40 C.F.R. Part 302), all as amended. The term "Hazardous Material" includes any material, substance or waste which is (a) petroleum, (b) asbestos, (c) polychlorinated biphenyls, (d) designated as a "hazardous substance" pursuant to Section 1321 of the Clean Water Act (33 U.S.C.S. §1251 et seq.) or listed pursuant to Section 1317 of the Clean Water Act (33 U.S.C.S. §1251 et seq), as amended, (e) flammable explosives, or (f) radioactive materials. The term "Hazardous Material" also includes any toxic or hazardous waste, material, or substance, or any oil, or any pesticide listed in, covered by or regulated pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. c.21E) and any amendments thereto.

"Initial Term" means the twenty (20) year period commencing on the Commencement Date, as provided in Section 3.1 of this Lease.

"Landlord" means the City of Cambridge, acting by and through its City Manager.

"Lease" means this instrument as executed and as the same may be at any time modified, amended or supplemented pursuant to the terms hereof.

"Permitted Uses" means the following: (a) constructing, installing, altering, removing, maintaining, repairing, replacing, and using pedestrian walkways and improvements, including but not limited to, sidewalks, benches, lighting, landscaping, and similar amenities in the Premises; (b) constructing, installing, altering, removing, maintaining, repairing, replacing, and using a bicycle path and related improvements, including but not limited to, lighting, landscaping, and similar amenities in the Premises; (c) constructing, installing, removing, maintaining, repairing, replacing and using surface and subsurface utilities, equipment and installations in the Premises; and (d) continuing the use of the Premises generally in the same manner and for the same purposes for which the Premises were used immediately prior to the date of this Lease.

"Plan" means the three plans entitled "Plan of Discontinuance of a Portion of Vassar Street, Cambridge, Massachusetts", each dated July 28, 1992, by Cullinan Engineering, Inc., and each recorded with the Middlesex South District Registry of Deeds on June 23, 1993 as plan no. 404, copies of which are attached hereto as **Exhibit B.**

"Premises" means the surface and subsurface areas leased to the Tenant hereunder and described in **Exhibit A** attached hereto and as shown on **Exhibit B.**

"Present Mailing Address of Landlord" is City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts 02138.

"Present Mailing Address of Tenant" is 238 Main Street, Suite 200, Cambridge, Massachusetts 02142-1012.

"Renewal Term" means the twenty (20) year period for which this Lease may be renewed, as provided in Section 3.2 of this Lease.

"Rent" means the sum of one dollar ($1.00) due for each year of the Term of this Lease.

"Tenant" means the Massachusetts Institute of Technology.

"Term" means the Initial Term and the Renewal Term, if and when the same becomes effective.

"Tripartite Agreement" shall have the meaning given in the second introductory paragraph of this Lease.

Article II

PREMISES

2.1 DEMISE OF PREMISES

The Landlord hereby leases the Premises to the Tenant, and the Tenant hereby accepts the Premises from the Landlord, upon and subject to the terms, covenants and conditions of this Lease.

Article III

TERM

3.1 INITIAL TERM

The Initial Term of this Lease shall be for twenty (20) years and shall commence on the date of this Lease (the "Commencement Date") and end on the day preceding the twentieth anniversary of the Commencement Date, unless sooner terminated pursuant to the terms of this Lease.

3.2 RENEWAL TERM

Provided that the Tenant, not less than 12 months nor more than 24 months prior to the expiration of the Initial Term, shall have given to the Landlord a notice, in the manner specified in Section 10.7 hereof, of the election by the Tenant to renew this Lease, and if immediately prior to the expiration of the Initial Term, this Lease shall be in full force and effect and the Tenant is not then in default hereunder, then upon the expiration of the Initial Term, the Renewal Term of this Lease shall be effective. If the Tenant shall not have given notice to the Landlord in the manner and within the time periods specified above of its election to renew this Lease, the Tenant shall be deemed conclusively to have elected not to renew this Lease.

3.3 EARLY TERMINATION

If the Tenant fails to construct the CASPAR Improvements and to deliver the CASPAR Facility in accordance with the obligations of the Tripartite Agreement and in accordance with the CASPAR Lease, and the CASPAR Lease is terminated by reason of such failure, then the Landlord shall have the right to terminate this Lease and all of the rights of the Tenant hereunder. The issuance of a certificate of occupancy for the CASPAR Improvements shall be deemed to conclusively establish such construction of the CASPAR Improvements and delivery of the CASPAR Facility for the purposes of the preceding sentence. The terms "CASPAR Improvements", "CASPAR Lease" and "CASPAR Facility" shall have the meanings given in the Tripartite Agreement.

Article IV

RENT, GOVERNMENTAL CHARGES AND OTHER SUMS PAYABLE BY THE TENANT

4.1 PAYMENT OF RENT, GOVERNMENTAL CHARGES AND OTHER SUMS PAYABLE BY THE TENANT

The Tenant shall pay Rent, Governmental Charges and Additional Rent promptly as and when the same shall become due and payable at the times, places and in the manner provided in this Lease. Except as expressly provided in this Lease, the payment of Rent, Governmental Charges and Additional Rent shall not be abated, reduced, waived, or otherwise modified in any manner or to any extent whatsoever. Except as expressly otherwise provided in this Lease, all cost, expenses and other obligations of every kind and nature relating to the Premises shall be the responsibility of the Tenant, without cost or obligation to the Landlord.

4.2 RENT

The Tenant agrees to pay the entire amount of Rent due for the Initial Term upon the date of execution of this Lease, and to pay the entire amount of Rent for the Renewal Term on the first day of the Renewal Term. Payment of Rent and Additional Rent shall be made to the Landlord at the Present Mailing Address of Landlord as indicated in Section 1.1 hereof, or at such other office of the Landlord as the Landlord may from time to time by notice in writing indicate to the Tenant.

4.3 GOVERNMENTAL CHARGES

From and after the Commencement Date and continuing for the balance of the Term of this Lease, the Tenant shall pay directly to the assessing authority, on or before the due date but in any case before a penalty, fine, interest or other costs begins to accrue for non-payment thereof, all Governmental Charges that may, during the Term of this Lease, be charged, imposed or assessed upon or against the Premises. With respect to Governmental Charges that are not separately assessed but are assessed upon or against the Premises and other property of the Landlord, the Tenant shall pay to the Landlord upon demand the Tenant's fair and equitable portion of such Governmental Charges based upon the portion of the fair value of the entire assessed property represented by the fair value of the Premises. Governmental Charges for the calendar year in which this Lease commences shall be adjusted and apportioned between the parties hereto as of the Commencement Date. Governmental Charges for the last year of the Term of this Lease shall be adjusted and apportioned between the parties hereto as of the date of expiration of the Term of this Lease. If any Governmental Charge shall not have been paid as required hereby, then the Landlord may, but shall not be required to, pay the same, and thereupon become entitled to reimbursement from the Tenant of the same on demand.

Article V

USE, MAINTENANCE AND WORK PERFORMED BY TENANT

5.1 USE

The Tenant may use the Premises only for the Permitted Uses, subject to the Development Restrictions. The Tenant shall from time to time shall procure all licenses and permits necessary therefor, at its sole expense.

5.2 RIGHTS OF OTHERS TO USE OF THE PREMISES

In its use of the Premises for the Permitted Uses, the Tenant agrees to permit bicycle and pedestrian access to the public, not including parking, in those areas of the Premises maintained by the Tenant as bicycle paths and walkways, respectively, and to permit owners of property abutting the Premises continued rights of ingress and egress from and to their respective properties over the Premises, all subject to reasonable rules and regulations as may be imposed by the Tenant after consultation with the Director of Traffic and Parking of the City of Cambridge. Tenant's use of the Premises shall be subject to the rights of Landlord (and to the rights of others legally entitled) to use, maintain, repair and replace existing subsurface utilities under the Premises. The Landlord shall carry out all work undertaken in the Premises in a good and workmanlike manner and shall maintain all utilities, other improvements and the Premises in good and safe condition and repair during such time of use, maintenance, repair or replacement and shall, in the event of any damage or disturbance resulting from the exercise of rights hereunder by the Landlord, restore any utilities, other improvements or areas damaged or disturbed to substantially the condition in which they were immediately prior to such damage or disturbance.

5.3 MAINTENANCE

The Tenant, from and after the Commencement Date and thereafter during the Term of this Lease, at its sole expense, shall keep and maintain the Premises in good and safe order, condition and repair. The Tenant shall promptly make all necessary repairs in and to the Premises in accordance with the requirements of this Lease.

5.4 REQUIREMENTS FOR WORK PERFORMED BY TENANT

In performing any maintenance, repair, construction, alteration, or improvement work hereunder, the Tenant shall, without limitation of any other obligations under this Lease, comply with the following requirements.

5.4.1 The Tenant shall carry out all work undertaken in the Premises in a good and workmanlike manner and shall maintain all utilities, other improvements and the Premises in good and safe condition and repair during such time of maintenance, repair or replacement and shall, in the event of any damage or disturbance resulting from the exercise of rights hereunder by the Tenant, restore any utilities, other improvements or areas damaged or disturbed to substantially the condition in which they were immediately prior to such damage or disturbance.

5.4.2 The Tenant shall procure all necessary licenses and permits before undertaking any work on the Premises and shall cause all such work to be performed in a good, safe and workmanlike manner, employing new materials of good quality. The Tenant agrees to indemnify, defend and save harmless the Landlord from all injury, loss, or damage to any person or property occasioned by such work.

5.4.3 The Tenant shall be solely responsible for, and shall pay all costs of, construction, installation, alteration, removal, relocation, maintenance, repair and replacement of any improvements, facilities and landscaping constructed, installed, placed or maintained on or under the Premises (other than improvements or facilities constructed, installed, placed or maintained by the Landlord or others in exercise of the rights of the Landlord or others described in Section 5.2) and for all costs and expenses incurred in relocating any utilities installed or maintained by the Tenant, or incurred in repairing any damage or destruction to utilities installed or maintained by the Landlord or its grantees where caused in whole or part by the activities of the Tenant.

5.5 COMPLIANCE WITH LAWS AND REGULATORY REQUIREMENTS

The Tenant, at its sole expense, shall comply with all laws, codes, rules, regulations, orders, ordinances, permit conditions and regulations of governmental authorities now or hereafter in force and with any lawful direction of any public officer ("Governmental Requirements"), in each case to the extent the same are applicable to the Premises or the use and maintenance thereof. If the Tenant receives notice of any violation of Governmental Requirement applicable to the Premises or the use and maintenance thereof or in the event of any release or threatened release of any Hazardous Material, it shall give prompt notice thereof to the Landlord.

5.6 STORAGE OR USE OF HAZARDOUS MATERIALS

The Tenant will not use or keep, or permit to be used or kept, in or about the Premises any Hazardous Materials.

5.7 WASTE

The Tenant shall not commit or suffer to be committed any waste upon the Premises or any public or private nuisance, nor, without limiting the generality of the foregoing, shall the Tenant make any unusual noises in or about the Premises, cause or permit any offensive odors to be produced upon the Premises, or use any apparatus, machinery or device in or about the Premises which shall cause any damage to areas outside of the Premises.

Article VI

ASSIGNMENT, SUBLETTING, MORTGAGING

6.1 PROHIBITION

The Tenant agrees (a) not to assign or otherwise transfer this Lease or the estate hereby granted, (b) not to sublet the Premises or any part thereof or allow the same to be used, occupied or utilized by anyone other than the Tenant (except as otherwise provided in this Lease), and (c) not to mortgage, pledge, encumber the Tenant's leasehold interest in the Premises. Should the Tenant seek the Landlord's permission to assign, sublet or otherwise transfer this Lease, the Tenant understands that because of the unique nature of this leasing relationship the Landlord may withhold its consent to such a request in its sole and absolute discretion.

6.2 REQUIREMENTS FOR ASSIGNMENT OR TRANSFER

Any assignment or transfer made with the Landlord's consent pursuant to Section 6.1, shall be made only if, and shall not be effective until, the assignee or transferee shall have executed, acknowledged and delivered to the Landlord an agreement in form and substance satisfactory to the Landlord, whereby the assignee or transferee shall have assumed the obligations and performance of this Lease and agreed to be personally bound by and upon all of the covenants, agreements, terms and conditions hereof on the part of the Tenant to be performed or observed hereunder.

Article VII

DEFAULT

7.1 EVENTS OF DEFAULT

This Lease is subject to the limitation that if, at any time during the Term hereof, any one or more of the following events ("Events of Default") shall occur:

(a) If the Tenant fail to pay all or any part of the Rent or any Additional Rent under this Lease and such failure shall continue for thirty (30) days after notice thereof from the Landlord;

(b) If the Tenant shall fail to perform or observe any other requirement of this Lease to be performed or observed by the Tenant, and such failure shall continue for thirty (30) days after notice thereof from the Landlord to the Tenant; provided, however, that if such failure cannot reasonably be cured in thirty (30) days, the Tenant shall have the right to begin to cure such default as soon as practicable within such thirty (30) day

period and to proceed therewith with reasonable promptness and diligence, then such thirty (30) day period shall be extended for such time as may reasonably be necessary to enable the Tenant by proceeding with reasonable promptness and diligence to remedy such failure;

(c) Except as otherwise provided by applicable law, if the estate hereby created shall be taken on execution or by other process of law, or if the Tenant shall be judicially declared bankrupt or insolvent according to law, or if any assignment shall be made of the property of the Tenant for the benefit of creditors, or if a receiver, guardian, conservator, trustee in involuntary bankruptcy or other similar officer shall be appointed to take charge of all or any substantial part of the Tenant's property by a court of competent jurisdiction, or if a petition shall be filed for the reorganization of the Tenant under any provisions of law now or hereafter enacted, and such proceeding is not dismissed within ninety (90) days after it is begun, or if the Tenant shall file a petition for such reorganization, or for arrangements under any provisions of such laws providing a plan for a debtor to settle, satisfy or extend the time for the payment of debts; or

(d) The Tenant shall abandon the Premises;

then upon the happening of any one or more of the Events of Default, the Landlord may terminate this Lease upon giving not less than five (5) days' notice to the Tenant (which shall state the date of termination of this Lease) and at the expiration of such five (5) days, this Lease and all the right, title and interest of the Tenant hereunder shall terminate and wholly cease and expire. Tenant hereby acknowledges that the foregoing default notice provisions are in lieu of, and in substitution for, any statutory notice to terminate, vacate or quit the Premises.

7.2 REMEDIES

Upon the occurrence and continuance of an Event of Default, Landlord may do any one or more of the following:

(a) Landlord may elect to terminate this Lease and the tenancy created hereby by giving notice of such election to Tenant, and may re-enter the Premises, by summary proceedings or otherwise.

(b) Landlord may exercise any other legal or equitable right or remedy which it may have at law or in equity.

Article VIII

INDEMNITY

8.1 TENANT'S INDEMNITY

To the maximum extent permitted by law, the Tenant shall indemnify and save harmless the Landlord, the directors, officers, agents and employees of the Landlord from and against all claims, damages, expenses or liability of whatever nature (a) arising from any default, act, omission or negligence of the Tenant, or the Tenant's contractors, licensees, agents, servants or employees, or the failure of the Tenant or such persons to comply with any Governmental Requirement, in each case to the extent the same are related, directly or indirectly, to the Premises, or the Tenant's use thereof; or (c) arising, directly or indirectly, out of default or breach by the Tenant under any of the terms, conditions or covenants of this Lease or in connection with any equipment or installations installed or maintained by the Tenant; or (c) arising directly or indirectly, from any accident, injury or damage to any person or property occurring on the Premises where such accident, injury or damage results, or is claimed to have resulted from, any act, omission or negligence on the part of the Tenant, or the Tenant's contractors, licensees, agents, servants, employees or clients or anyone claiming by or through the Tenant; provided, however, that in no event shall the Tenant be obligated under this Section 8.1 to indemnify the Landlord, the directors, officers, agents and employees of the Landlord, where such claim, expense or liability results from any omission, fault, negligence or other misconduct of the Landlord or the officers, agents or employees of the Landlord on or about the Premises.

If any indemnification of the Landlord under this Lease involves a breach of the Tenant's obligations under Section 5.6, or if contamination of the Premises by Hazardous Material otherwise occurs for which the Tenant is legally liable for damages resulting therefrom, or if Tenant in constructing, installing, altering, removing, maintaining, repairing, replacing or using any tunnels, bridges, utilities or other facilities or improvements described in Section 1.1 hereof causes a release or threat of release of any Hazardous Material located in the soil or groundwater on or under the Premises (which but for Tenant's activities would not have been so released or threatened to have been released), then the Tenant shall indemnify, defend and hold the Landlord and its employees, agents, officers and directors harmless as provided above with respect to any costs or expenses incurred in connection with such release or threat of release of such Hazardous Materials which arises from and after the Commencement Date. In the event such a release or threat of release is caused in part by a party other than Tenant, Tenant shall be responsible only for that portion of the costs and expenses incurred in connection with such release or threat of release caused by Tenant's activities hereunder. This indemnification of the Landlord by the Tenant includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remediation, removal, treatment, detoxification or restoration work, including legal fees and costs, required by any federal, state or local governmental agency or political subdivision because of Hazardous Material present in the soil or ground water on or under the Premises.

This indemnity and hold harmless agreement shall include indemnity against all expenses and liabilities incurred in or in connection with any such claim or proceeding brought thereon, and the defense thereof with counsel acceptable to the Landlord or counsel selected by an insurance company which has accepted liability for any such claim. The obligations of the Tenant under this Section 8.1 shall survive the expiration or any termination of the Term of the Lease.

8.2 TENANT'S RISK

The Tenant agrees to use the Premises at the Tenant's sole risk; and to the fullest extent permitted by law the Landlord shall have no responsibility or liability for any loss of or damage to fixtures, equipment or other property of the Tenant, or of those claiming by, through or under the Tenant.

Article IX

LANDLORD PROVISIONS

9.1 LANDLORD'S DEFAULT

The Landlord shall in no event be in default in the performance of any of the Landlord's obligations hereunder nor shall any rights to terminate this Lease be exercised unless and until the Landlord shall have failed to perform such obligations within thirty (30) days, or such additional time as is reasonably required to correct any such default, after notice by the Tenant to the Landlord properly specifying wherein the Landlord has failed to perform any such obligation.

Article X

MISCELLANEOUS PROVISIONS

10.1 END OF TERM

The Tenant shall peaceably give up and surrender possession of the Premises and every part thereof unto the Landlord at the expiration or sooner termination of the Term of this Lease, together with the improvements and all fixtures and facilities therein, or forming part thereof, or appurtenant thereto, in good condition and repair.

10.2 WAIVER

Failure on the part of the Landlord or the Tenant to complain of any action or non-action on the part of the other, no matter how frequently the same may occur or how long the same may continue, shall never be a waiver by the Landlord or the Tenant of its rights hereunder.

Further, no waiver at any time of any of the provisions hereof by the Landlord or the Tenant shall be construed as a waiver of any of the other provisions hereof, and a waiver at any time of any of the provisions hereof shall not be construed as a waiver at any subsequent time of the same provisions. The consent or approval of the Landlord or the Tenant to or of any action by the other requiring such consent or approval shall not be construed to waive or render unnecessary the Landlord's or the Tenant's consent or approval to or of any subsequent similar act by the other. No option or right granted to the Tenant to renew this Lease or to extend the Lease Term shall be considered to give the Tenant any further option or right to renew or extend.

10.3 COVENANT OF QUIET ENJOYMENT

Subject to the terms and provisions of this Lease and on payment of the Rent and Additional Rent and compliance with all of the terms and provisions of this Lease, the Tenant shall lawfully, peaceably and quietly have, hold, occupy and enjoy the Premises during the term hereof, without hindrance or ejection by the Landlord or by any persons lawfully claiming under the Landlord; the foregoing covenant of quiet enjoyment is in lieu of any other covenant, express or implied.

10.4 INVALIDITY OF PARTICULAR PROVISIONS

If any term or provision of this Lease, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and be enforceable to the fullest extent permitted by law.

10.5 PROVISIONS BINDING, ETC.

Except as herein otherwise expressly provided, the terms hereof shall be binding upon and shall inure to the benefit of the successors and assigns, respectively, of the Landlord and the Tenant and its legal representatives, successors and assigns. Each term and each provision of this Lease to be performed by the Tenant shall be construed to be both a covenant and a condition. In all instances where the Tenant is required under this Lease to pay any sum or do any act at or by a particular time it is agreed that time is of the essence.

10.6 RECORDING

The Tenant agrees not to record this Lease or amendments thereto, but each party hereto agrees, on the request of the other, to execute, acknowledge and deliver a Notice of Lease and amendments thereto reasonably satisfactory in form to the Landlord's attorneys. In no event shall such document set forth the Rent or other charges payable by the Tenant under this Lease; and any such document shall expressly state that it is executed pursuant to the provisions contained in this Lease, and is not intended to vary the terms and conditions of this Lease. In the event of termination of this Lease, the Tenant agrees to execute a recordable instrument

setting forth the fact of and date of such termination and hereby irrevocably designates and appoints the Landlord as its attorney-in-fact to execute in the name of the Tenant and to record such instrument.

10.7 NOTICES

Whenever, by the terms of this Lease, notice shall or may be given either to the Landlord or to the Tenant, such notice shall be in writing and shall be either delivered by hand or shall be sent by registered or certified mail, postage prepaid or by so-called "express" mail (such as Federal Express or U.S. Postal Service Express Mail):

> If intended for the Landlord, addressed to the attention of the City Manager of the Landlord at the Present Mailing Address of Landlord set forth in Section 1.1 of this Lease, or to such other address or addresses as may from time to time hereafter be designated by the Landlord by like notice.
>
> If intended for the Tenant, addressed to the Tenant addressed to the attention of Associate Treasurer-Director of Real Estate at the Present Mailing Address of Tenant set forth in Section 1.1 of this Lease, or to such other address or addresses as may from time to time hereafter be designated by the Tenant by like notice.

All such notices shall be effective when hand delivered or when deposited in the United States mail within the Continental United States or when received by the "express" mail carrier, as the case may be.

10.8 ACKNOWLEDGEMENT

The Landlord and Tenant acknowledge that on or about this date the Landlord is granting and delivering to the Tenant an easement in the Premises (the "Easement"). The Easement, and all certificates of votes and other instruments required to record the Easement (collectively, the "Vassar Street Escrow Documents") are being executed and acknowledged by the parties in accordance with the requirements of the Tripartite Agreement, and delivered in escrow to Palmer and Dodge (the "Escrow Agent") on or about this date. In accordance with the terms of an escrow agreement entered into by and among the Landlord, the Tenant and the Escrow Agent (the "Escrow Agreement") on or about this date, the Escrow Agent has agreed to hold the Vassar Street Escrow Documents in escrow until the occurrence of a Triggering Event, at which time the Escrow Agent has agreed to deliver the Vassar Street Escrow Documents to the Tenant and the Tenant shall be entitled to record the same. The term "Triggering Event" means the date by which (i) the Tenant, at the Landlord's request, shall have executed and delivered to the Landlord an easement for the construction and installation by the Landlord of the Sidney/Waverly Street connector in conjunction with the Landlord's undertaking of the Cambridgeport Roadway Improvement Plan as provided in the memorandum from the Tenant to the Landlord, dated January 11, 1988, and as updated by a status report from the Assistant City Manager dated February 7, 1990, or (ii) the Initial Term of this Lease shall have expired,

whichever occurs sooner. The terms and conditions of the escrow and delivery of the Vassar Street Escrow Documents, and the rights and obligations of the Landlord, the Tenant and the Escrow Agent as to the Vassar Street Escrow Documents, shall be governed by the Escrow Agreement. To the extent any term or condition of this Lease is inconsistent with any term or condition of the Easement, the Landlord and Tenant agree that the terms and conditions of the Easement shall govern.

10.9 CONSENT

Whenever in the Lease the consent or approval of any party is required, such consent shall not be unreasonably withheld, delayed or qualified and shall be in writing signed by a duly authorized officer or agent of the party granting the consent or giving the approval. Any written notice, consent, approval, or authorization received by the Landlord from the Associate Treasurer-Director of Real Estate of the Tenant may be relied upon as authorized to be given hereunder. Any written notice, consent, approval, or authorization received by the Tenant from the City Manager of the Landlord or the designee of the City Manager may be relied upon as authorized to be given hereunder.

10.10 SECTION HEADINGS

The Section headings throughout this instrument are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Lease. In addition, if any provision of this Lease shall conflict with any provision of any Exhibit to this Lease, the provisions of this Lease shall control.

10.11 DISCLOSURE STATEMENTS

The Landlord and Tenant each agree to file with the Deputy Commissioner of the Division of Capital Planning and Operations all disclosure statements required to be made under M.G.L. c.7 of §40J upon the execution of this Lease and upon the renewal of this Lease by the Tenant under Section 3.2 hereof.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed, under seal, as of the date first written above.

LANDLORD: City of Cambridge

By: _____
Robert W. Healy, City Manager
Hereunto duly authorized

TENANT: Massachusetts Institute of Technology

By: _____
William R. Dickson,
Senior Vice President
Hereunto duly authorized

Exhibit A

Description of Premises

Two parcels of land in Cambridge, Middlesex County, Massachusetts more fully described as follows:

Parcel 1

A parcel of land in Cambridge, Massachusetts shown as Parcel 1 on a plan entitled "Plan of Discontinuance of a Portion of Vassar Street, Cambridge, Massachusetts" dated July 28, 1992, by Cullinan Engineering, Inc. to be recorded herewith, more fully described as follows:

Beginning at a point near the southeast corner of land now or formerly of Jack W. Rizika thence running N 56° 08' 32" E by land now or formerly of said Jack W. Rizika, Massachusetts Institute of Technology (MIT) and said Jack W. Rizika as Trustee, 3,020.74 feet to the southwesterly line of Massachusetts Avenue; thence turning and running S 51° 31' 43" E by said southwesterly line of Massachusetts Avenue, 16.79 feet; thence turning and running S 56° 08' 32" W by the new northerly line of Vassar Street, 3,029.72 feet; thence turning and running N 20° 12' 34" W by Vassar Street, 16.46 feet to the point of beginning.

Containing 48,404 square feet of land, more or less.

Parcel 2

A parcel of land in Cambridge, Massachusetts shown as Parcel 2 on said plan, more fully described as follows:

Beginning at a point 12.35 feet N 20° 12' 34" W from the intersection of the southerly line of Vassar Street and the easterly line of Audrey Street thence running N 56° 08' 32" E by the new southerly line of Vassar Street, 3,047.68 feet to the southwesterly line of Massachusetts Avenue; thence turning and running S 51° 31' 43" E by said southwesterly line of Massachusetts Avenue, 2.10 feet to land now or formerly of MIT; thence turning and running S 56° 08' 32" W by said MIT land, 248.54 feet; thence turning and running S 24° 31' 34" E by said MIT land, 10.13 feet; thence turning and running S 56° 08' 32" W by said MIT land, 2,801.05 feet to the intersection of Vassar Street and Audrey Street; thence turning and running N 20° 12' 34" W by Vassar Street, 12.35 feet to the point of beginning.

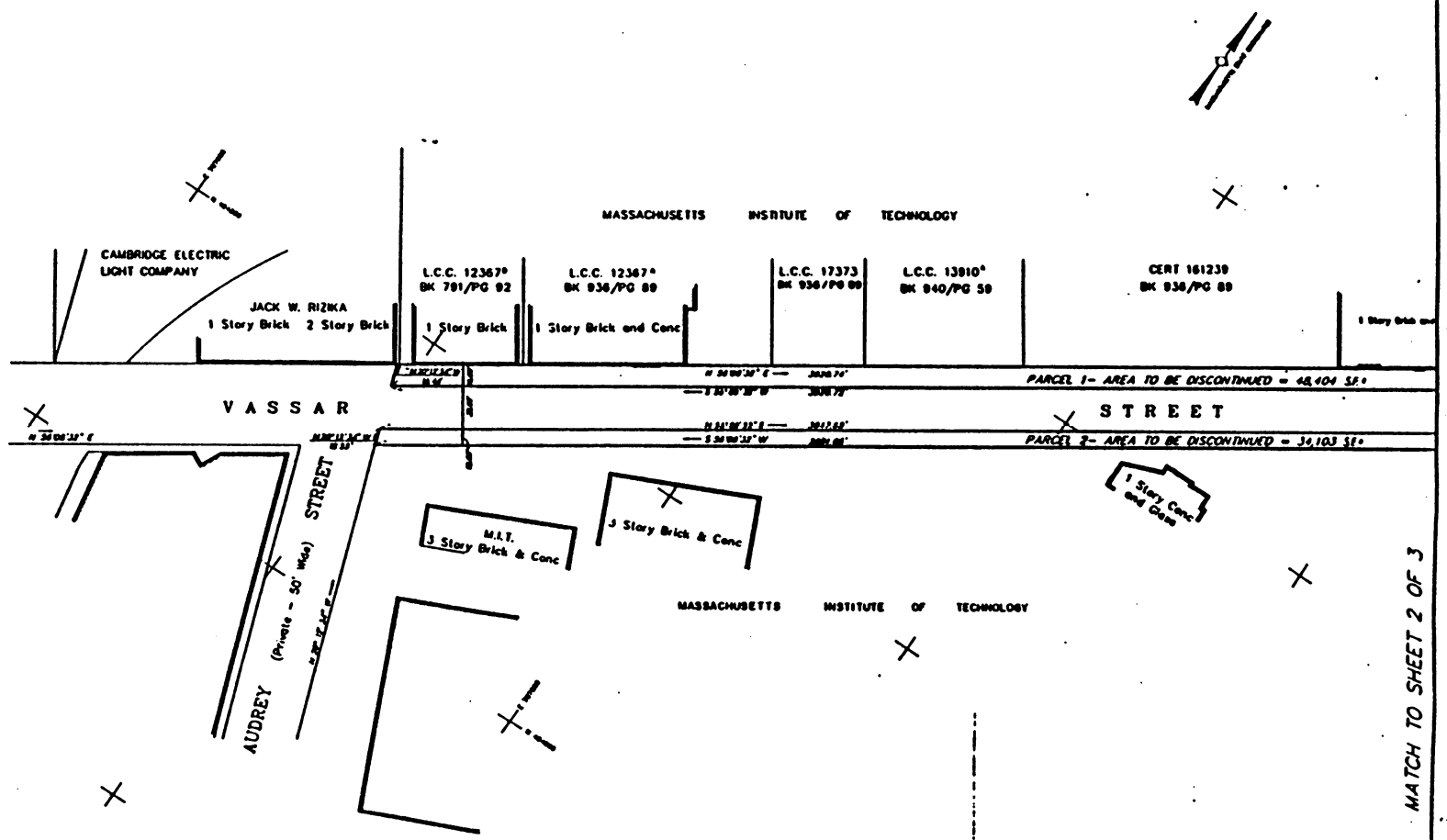
Containing 34,103 square feet of land, more or less.

Vassar Street

Exhibit B

Plan of Premises

FOR REGISTRY USE ONLY



DATE	ISSUE	REVISION	DESCRIPTION	APP

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

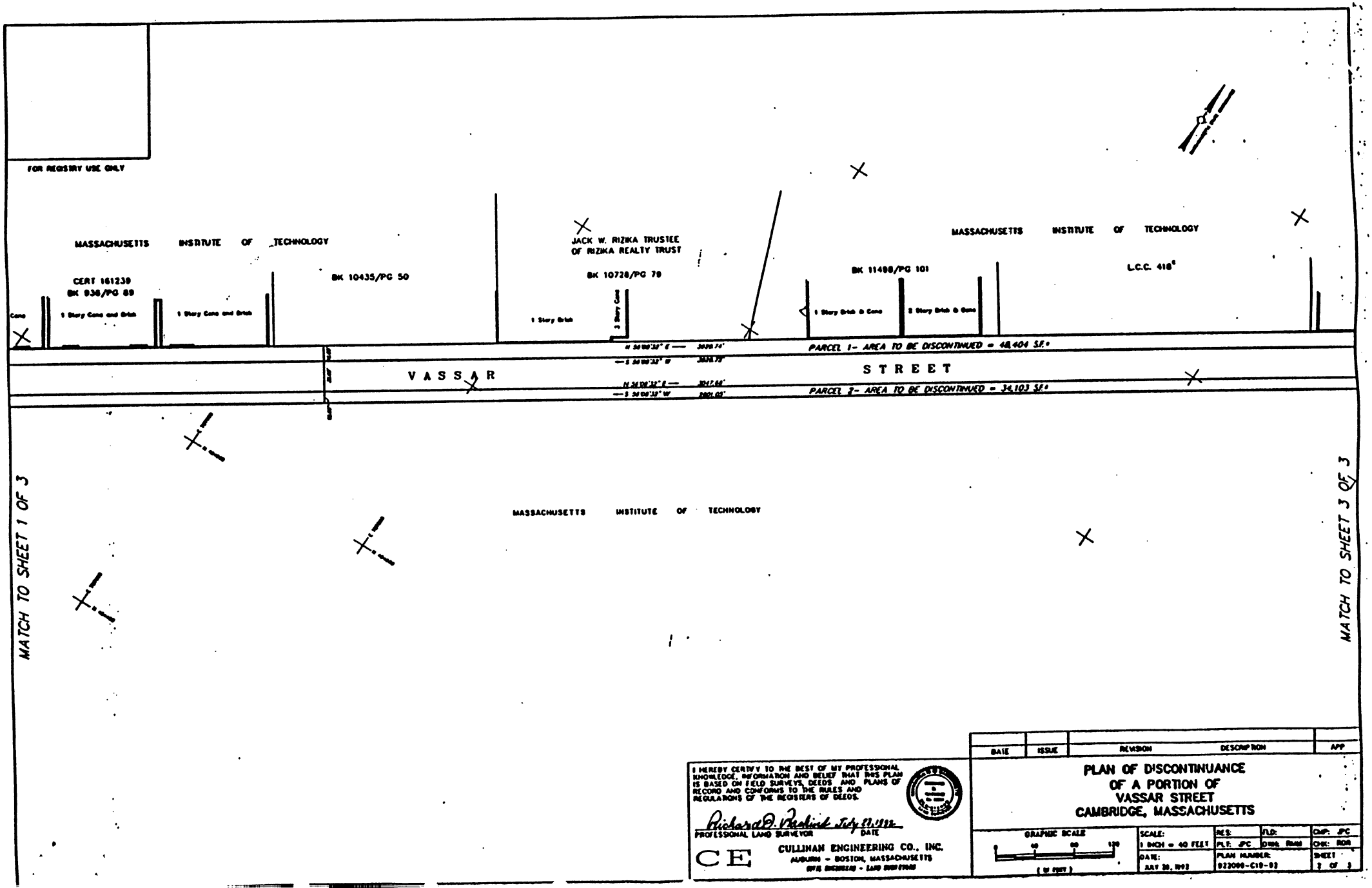
Richard D. Rockind July 29, 1992
PROFESSIONAL LAND SURVEYOR DATE

CE CULLINAN ENGINEERING CO., INC.
AUBURN - BOSTON, MASSACHUSETTS
CIVIL ENGINEERS - LAND SURVEYORS

PLAN OF DISCONTINUANCE OF A PORTION OF VASSAR STREET CAMBRIDGE, MASSACHUSETTS

GRAPHIC SCALE
0 40 80 120
(IN FEET)

SCALE:	RES:	FLD:	CMP: JPC
1 INCH = 40 FEET	PLT: JPC	DRN: RMM	CHK: RDR
DATE: JULY 28, 1992	PLAN NUMBER: 922089-C10-02		SHEET 1 OF 3



DATE	ISSUE	REVISION DESCRIPTION	APP

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

Richard D. Rockwood July 21, 1992
PROFESSIONAL LAND SURVEYOR DATE

CE
CULLINAN ENGINEERING CO., INC.
AUBURN - BOSTON, MASSACHUSETTS
CIVIL ENGINEERS - LAND SURVEYORS

PLAN OF DISCONTINUANCE OF A PORTION OF VASSAR STREET CAMBRIDGE, MASSACHUSETTS

GRAPHIC SCALE
0 40 80 120
(IN FEET)

SCALE: 1 INCH = 40 FEET
DATE: JULY 20, 1992
RES: FLD: CMP: JPC
PLT: JPC CHK: RDR
PLAN NUMBER: 922000-C10-02
SHEET 2 OF 3

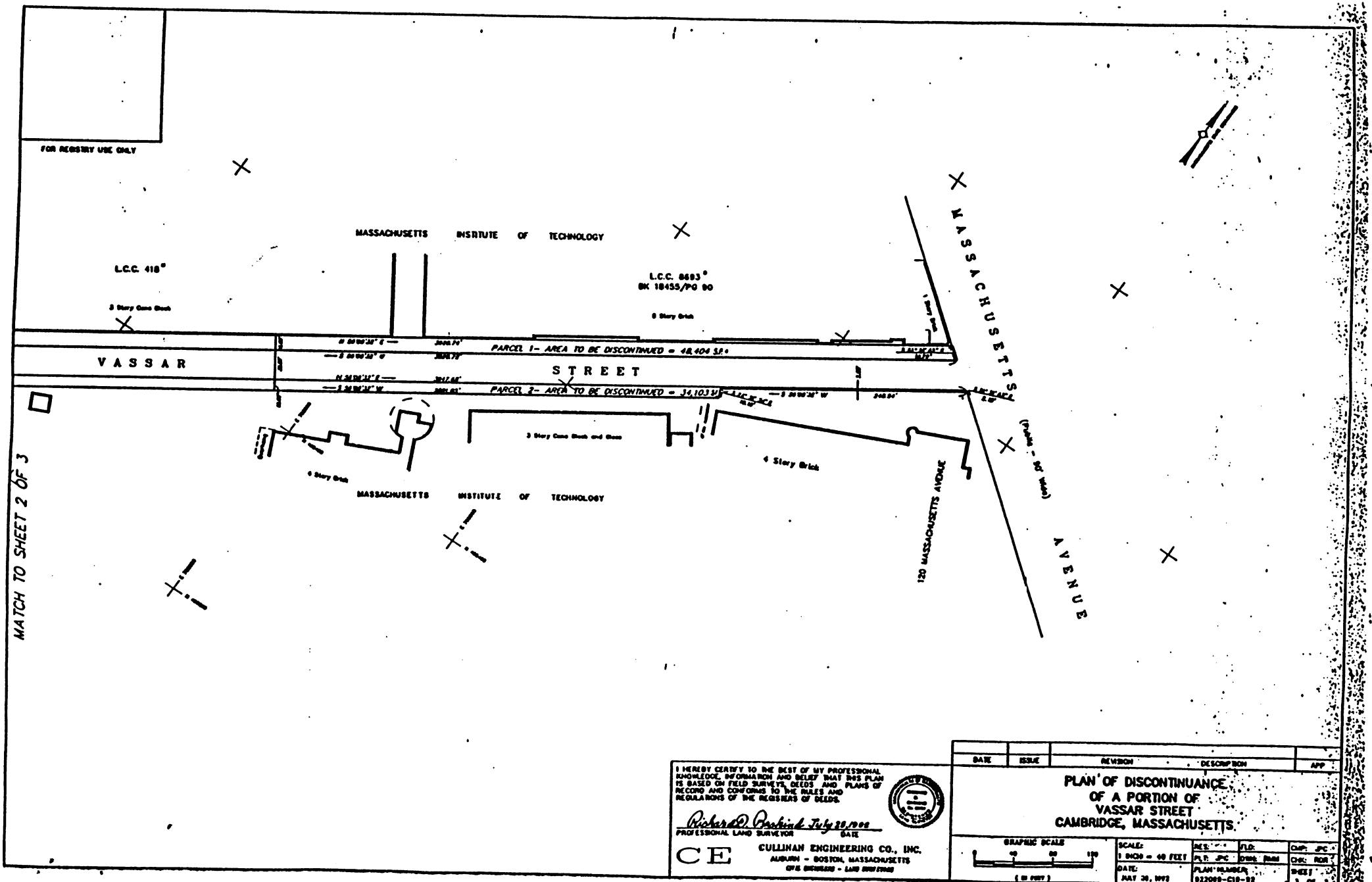
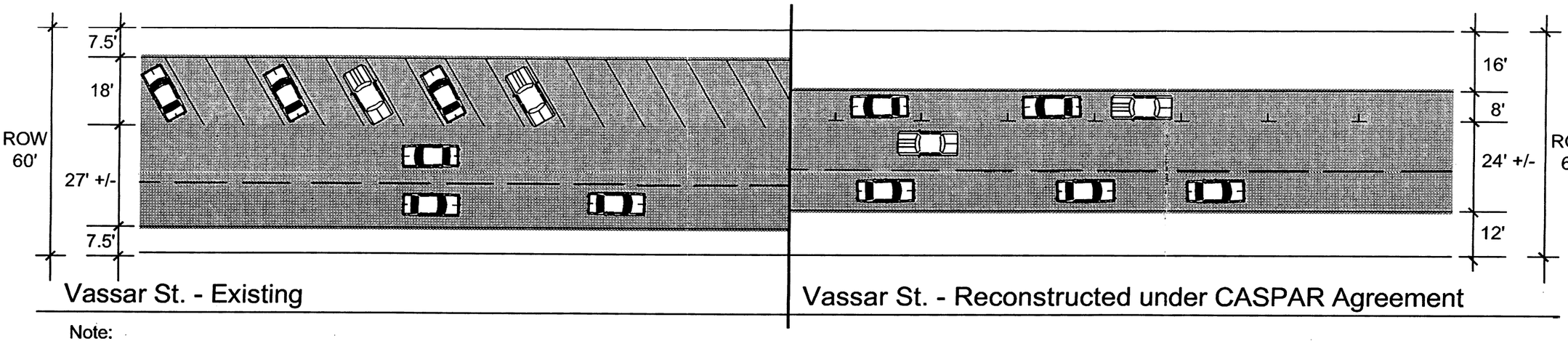

FOR REGISTRY USE ONLY
MASSACHUSETTS INSTITUTE OF TECHNOLOGY
L.C.C. 418*
3 Story Cone Block
L.C.C. 8693*
BK 18455/PG 90
8 Story Brick
PARCEL 1- AREA TO BE DISCONTINUED = 48,404 S.F.±
VASSAR
STREET
PARCEL 2- AREA TO BE DISCONTINUED = 34,103 S.F.±
3 Story Cone Block and Glass
4 Story Brick
4 Story Brick
MASSACHUSETTS INSTITUTE OF TECHNOLOGY
120 MASSACHUSETTS AVENUE
MASSACHUSETTS
(Public - 90' Wide)
AVENUE
MATCH TO SHEET 2 OF 3
I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.
PROFESSIONAL LAND SURVEYOR
DATE
CE
CULLINAN ENGINEERING CO., INC.
AUBURN - BOSTON, MASSACHUSETTS
DATE
ISSUE
REVISION
DESCRIPTION
APP
PLAN OF DISCONTINUANCE
OF A PORTION OF
VASSAR STREET
CAMBRIDGE, MASSACHUSETTS
GRAPHIC SCALE
SCALE:
1 INCH = 40 FEET
DATE:
JULY 30, 1992
PLAN NUMBER
SHEET
3 OF 3

Exhibit F

RECYCLED

Exhibit F



Vassar St. - Existing

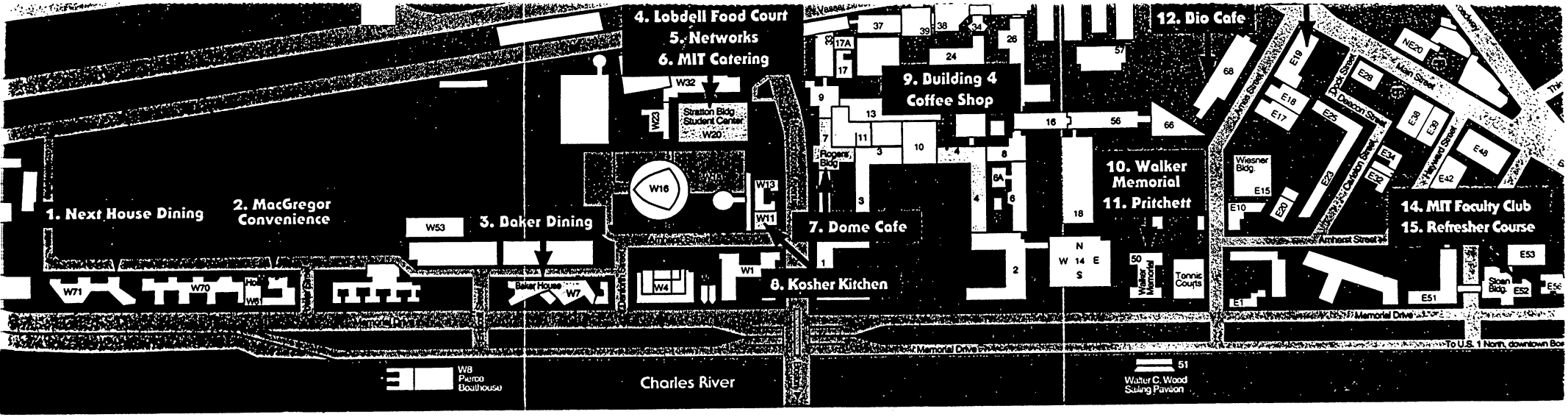
Vassar St. - Reconstructed under CASPAR Agreement

Note:
Existing paved width is shown as 45', per M.I.T. traffic study.

Exhibit G

RECYCLED

Exhibit G



1. Next House Dining
500 Memorial Drive

Open for dinner Sunday through Thursday, serving homestyle dinners in a casual atmosphere. Next House has extended hours for snacks and munchies. *Hot entrees, Pan Geos™ Pasta Kitchen*

2. MacGregor Convenience Store
450 Memorial Drive

Open Daily until 2am, MacGregor Convenience has it all!

3. Baker Dining and Baker Snacks
362 Memorial Drive

This newly renovated dining room is open for dinner Sunday through Thursday and features display cooking and hot entrees. Baker Snacks is open evenings and weekends.

4. Lobdell Food Court
84 Massachusetts Avenue—Stratton Student Center, Second Floor

A food court that offers something for everyone—breakfast, lunch and dinner! *Burger King, Pasta, Salad Bar, Deli, Pizza, Traditional Entrees, Freshly Baked Desserts, Pan Geos™ Fresh Flavors of Asia, and The Granary*

5. Networks Restaurant
84 Massachusetts Avenue—Stratton Student Center, First Floor

Casual dining at its best! *Lunch and dinner menu featuring Pan Geos™ Wraps & Daily Specials*

6. MIT Catering
84 Massachusetts Avenue—Stratton Student Center, Fifth Floor

Your full service caterer is right on Campus!

7. The Dome Cafe
Building 7, Fourth Floor

This cafe features espresso, specialty hot and cold sandwiches and salads in a Euro bistro setting.

8. Kosher Kitchen
W-11 Religious Activities Center

Kosher dinners are available four nights a week Monday-Thursday. For more information contact kk@mit.edu.

9. Building 4 Coffee Shop
Off the Infinite Corridor

Perfect for a quick cup of coffee and a bagel or soup and sandwich on the run!

10. Morss Hall/Walker Memorial
142 Memorial Drive

Features traditional old world style concepts, serving breakfast, lunch and dinner Monday through Friday.
Pizza Hut, Traditions Hot Entrees, Trattoria Italian Specialties, Deli, Salad Bar, Freshly Baked Desserts and Pan Geos™ The Granary

11. Pritchett
142 Memorial Drive, Second Floor

A fifties style snack bar open in the evenings that features a late night convenience store.

12. Bio Cafe
Building 68, Ames Street

Enjoy a cup of coffee or a full meal—we can satisfy any appetite.

13. East Side Cafe
50 Ames Street, Third Floor

Features hot entrees, soup, salads, and a full breakfast.

14. MIT Faculty Club
50 Memorial Drive, Sixth Floor

A function and meeting facility serving groups up to 300.

15. Refresher Course
50 Memorial Drive, First Floor

Refresher Course offers breakfast and lunch specialties.
Bagels, Espresso, Display Cooking, Deli, Soups, and Salads

Pick a Plan that's right for you! There's no risk! Amounts you do not use are refundable.

$1400/semester	$600/semester
$1200/semester	$400/semester
$1000/semester	$200/semester
$800/semester	

MIT Faculty & Staff:
[illegible] to enroll in your meal plan at W20-507!

Add to your account anytime!
Add to your account at any of these convenient locations:
Customer Service Center in W20-507
Office of Campus Dining in E32-200
Student Services Center in 11-120

Add to the amount in your Dining Plan account at any time in increments of $100 (no cash is needed). It's that easy!

Customer First!
Your satisfaction is important to us. If you have comments about your dining experience, please let us know in person, fill out a comment card, or send an E-Mail to meal@mit.edu. ARAMARK Campus Services is committed to quality food and excellent service. Our guarantee to you: We will do everything possible to keep you a satisfied customer.

RECYCLED

City of Cambridge

O-3.

IN CITY COUNCIL

December 13, 1999

COUNCILLOR DAVIS
COUNCILLOR BORN
MAYOR DUEHAY
VICE MAYOR GALLUCCIO
COUNCILLOR REEVES
COUNCILLOR RUSSELL
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY
COUNCILLOR TRIANTAFILLOU

WHEREAS: The IPOP process highlights the impact of development on neighborhoods; and

WHEREAS: The proposed 350 student dormitory at MIT will have visual and aesthetic impacts on adjacent neighborhoods: and

WHEREAS: The façade as proposed includes substantial amounts of reflective metal building material in a regular grid-like pattern which may have visual, aesthetic or environmental consequences for the nearby neighborhood and the historic Fort Washington Park; now therefore it

ORDERED: That the City Manager be and hereby is requested to instruct the Community Development to cooperate with MIT to arrange for a well-advertised Cambridgeport neighborhood meeting by mid-January at which this project is presented; and be it further

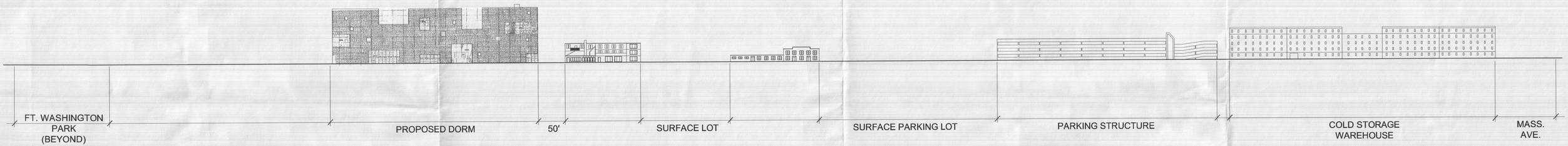
ORDERED: That materials be mailed out by the Community Development Department and/or MIT to the affected neighbors; said material to include meeting notices along with building drawings.

In City Council December 13, 1999.
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk.

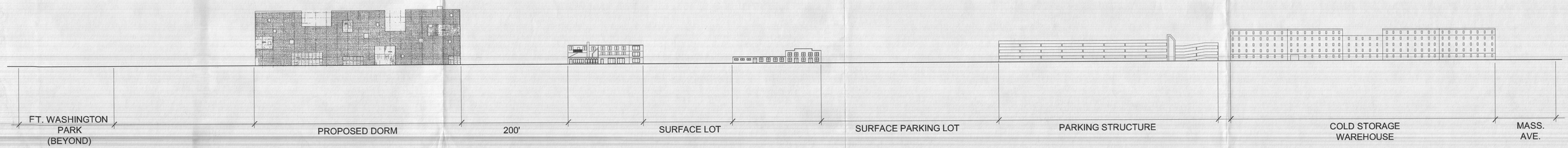
A true copy;

ATTEST:- D Margaret Drury

D. Margaret Drury
City Clerk



VASSAR STREET
SOUTH ELEVATION
SCALE: 1"=100'

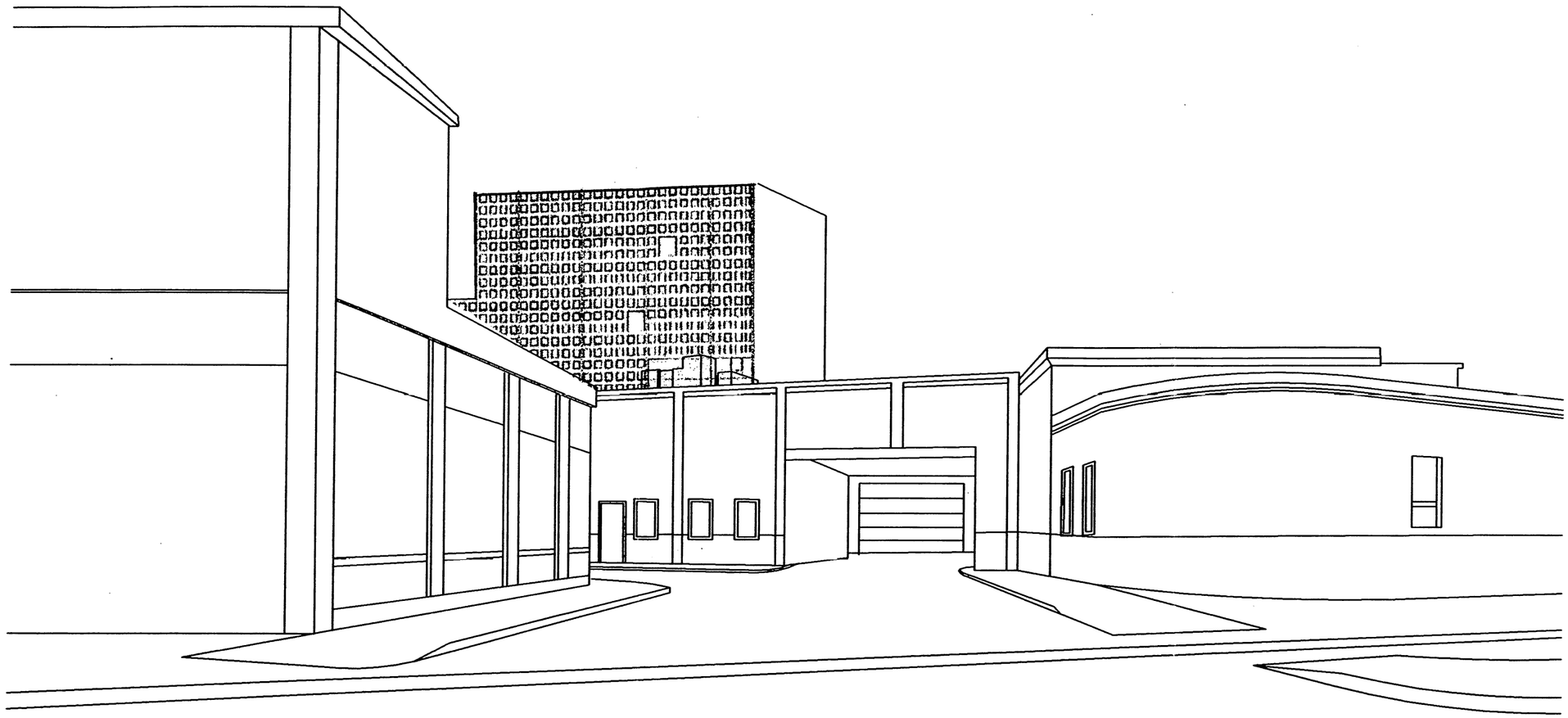


VASSAR STREET
SOUTH ELEVATION
SCALE: 1"=100'

January 10, 2000 95

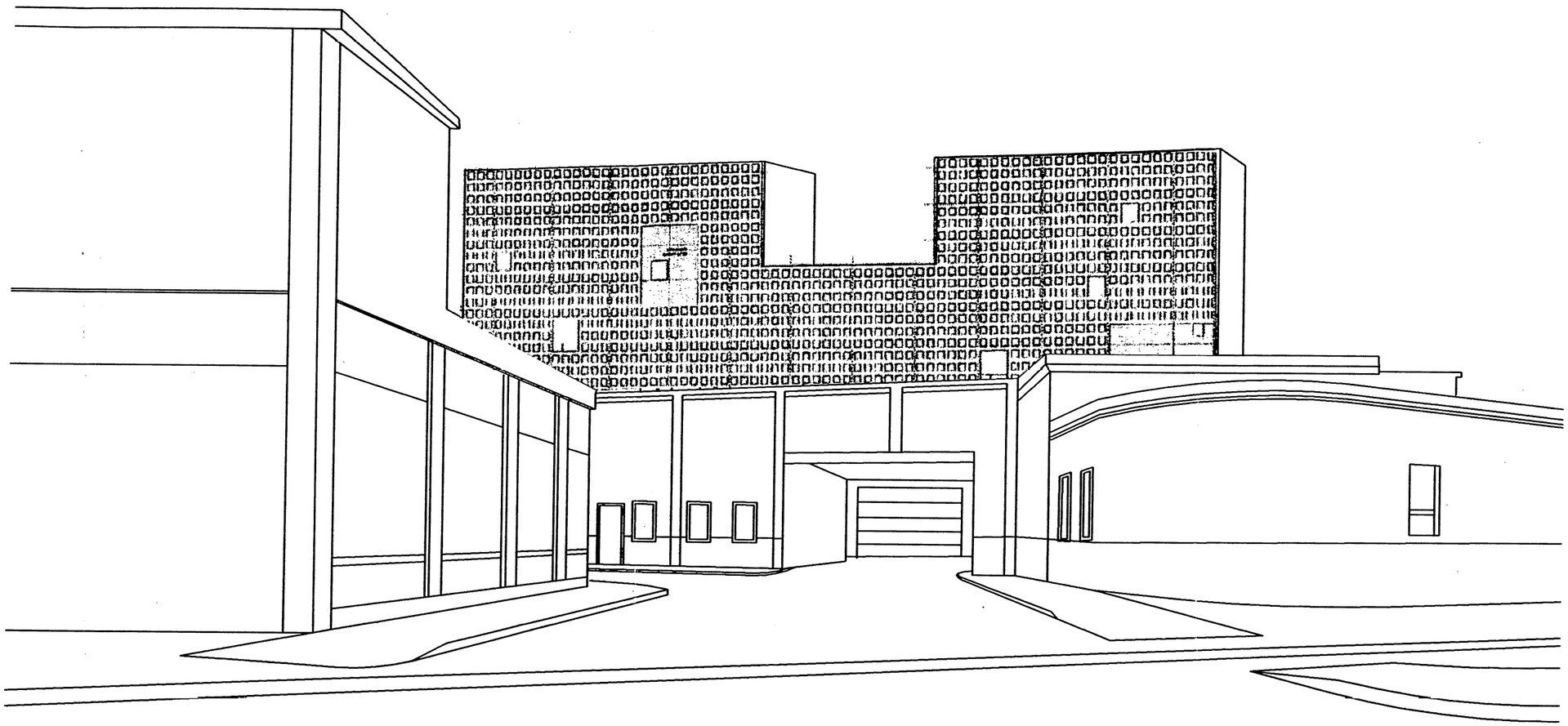
KEY PLAN FOR VIEWS

Map Source:
www.ci.cambridge.ma.us/~GIS



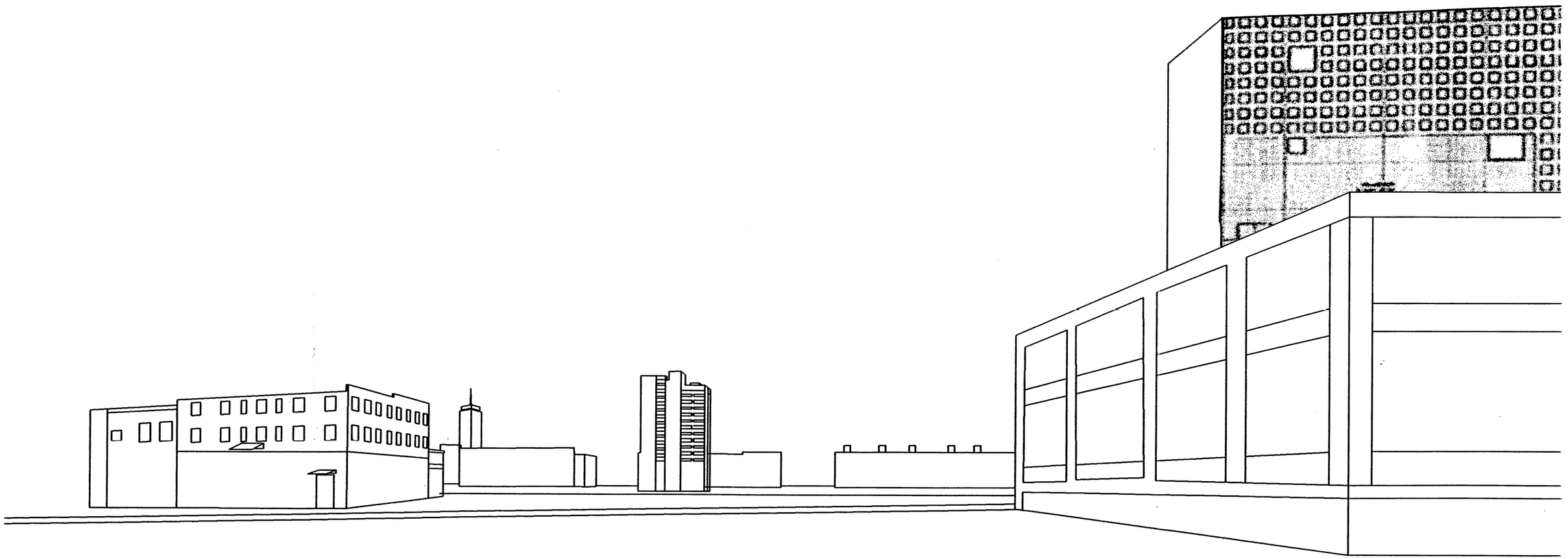
View #1 - Down Erie St. from Waverly St. facing south

50' Offset



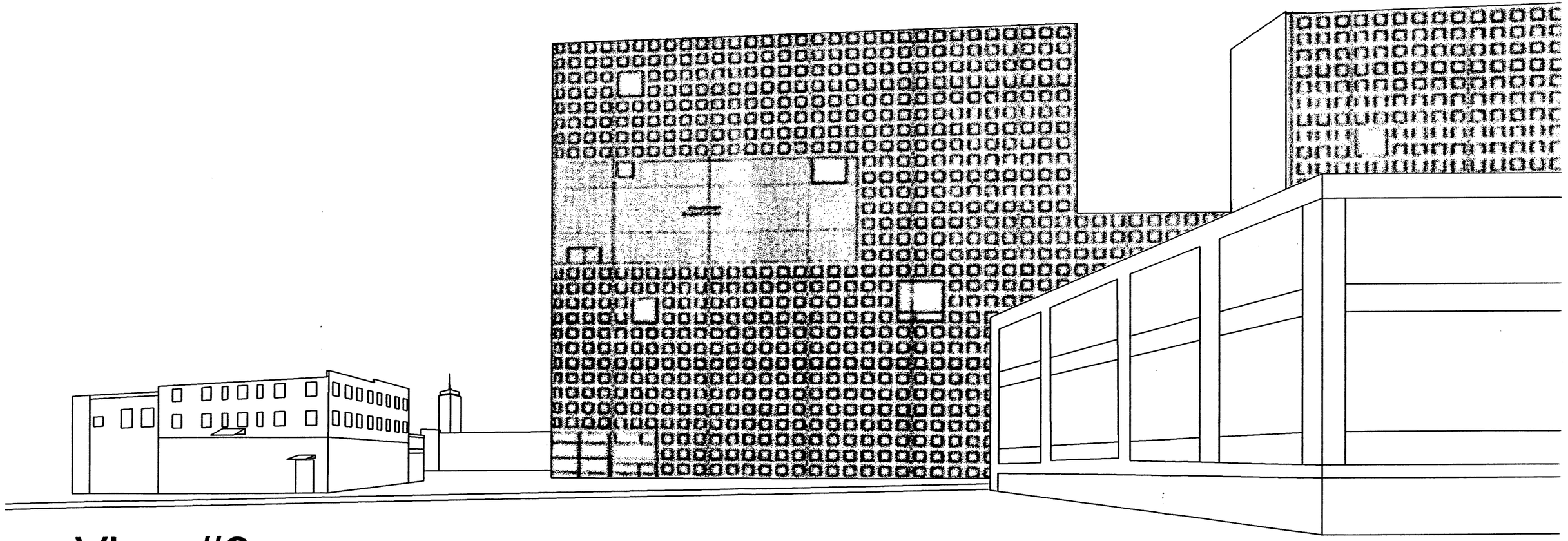
View #1 - Down Erie St. from Waverly St. facing south

200' Offset



View #2 - 258 Albany St. from south sidewalk

200' Offset



View #2 - 258 Albany St. from south sidewalk

50' Offset

RECYCLED

Exhibit I

Communication to the City Council
(Reference the report to be kept w/ the Clerk)

SULLIVAN & WORCESTER LLP
ONE POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109
(617) 338-2800
FAX NO. 617-338-2880

IN WASHINGTON, D.C.
1025 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036
(202) 775-8190
FAX NO. 202-293-2275

IN NEW YORK CITY
767 THIRD AVENUE
NEW YORK, NEW YORK 10017
(212) 486-8200
FAX NO. 212-758-2151

December 17, 1999

Ms. Henrietta Davis
Cambridge City Councilor
120 Chestnut Street
Cambridge, Massachusetts 02139

Dear Councilor Davis:

As you may be aware, this firm represents the owner of 219 Vassar Street relating to its opposition to MIT's proposed development of 229-243 Vassar Street. It has come to our attention that the City Council passed a resolution on December 13, 1999 reflecting its own reservations about the proposed project, which resolution included a request that the Cambridge Community Development Department and/or MIT solicit additional feedback on the proposed project from the Cambridgeport community.

In light of our shared concerns, we enclose for the City Council's review and consideration copies of the "Opposition of 219 Vassar Street to Special Permit Application" and the "Supplement to Opposition of 219 Vassar Street to Special Permit Application", filed with the Cambridge Planning Board on December 7, 1999 and December 17, 1999, respectively, by Professor John J. Donovan of behalf of the owner and occupants of 219 Vassar Street.

If you have any comments on or questions about the enclosed materials, please do not hesitate to call us.

Very truly yours,

SULLIVAN & WORCESTER, LLP

By: R. Lindsay Wilson, II

cc: Alan H. Roth, Esq. (w/o enc.)
Kathleen McCabe, Esq. (w/o enc.)
Kevin P. Crane, Esq. (w/o enc.)

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95

Consent Communication #8

A communication was received from R. Linsay Wilson, II, Sullivan & Worcester, LLP, relative to opposition of 219 Vassar Street to the special permit application.

S-9

In City Council January 10, 2000

PLACED ON FILE