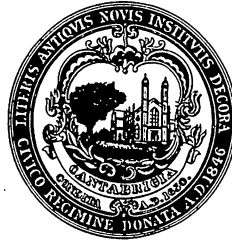


Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor



Arthur J. Goldberg
Supervising Legal Counsel

Legal Counsel
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Gail S. Gabriel
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Nancy B. Schlacter

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

July 26, 2000

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: ***Permitting of Harvard's Proposed Graduate Student Housing in Boston;
City Council Order #16, dated 6/5/00***

Dear Mr. Healy:

This is in response to the referenced City Council Order, which you referred to this office. The Order refers to a Harvard University Graduate Student Housing Project proposed at 1 Western Avenue, Allston. My office has been in contact with Mr. Owen Donnelly, who is handling this proposal for the Boston Redevelopment Authority. Mr. Donnelly described the required permitting process at the local level for this project as follows.

The Boston Redevelopment Authority must review the project and issue certifications for it to move forward. The BRA must certify that the proposal is consistent with Boston's Harvard Institutional Master Plan and certify that it complies with Boston's local "Article 80" Large Project Review requirements. No public hearings are required for this project anywhere in the BRA approval process. The BRA is in the midst of its Article 80 review for a "preliminary adequacy determination." The preliminary adequacy determination will be based on the "draft project impact report" submitted by Harvard. The written public comment period on the draft project impact report expired at the end of April, 2000. The BRA preliminary adequacy determination is apparently already overdue, but should issue soon. Mr. Donnelly suggested that the proposed project may need to be modified because, among other things, it is proposed to be 21 stories high, and the maximum height allowed by the Master Plan is 15 stories.

After the preliminary adequacy determination issues, Harvard will need to submit a "final impact report." After that is filed, there is a 45 day public comment period before the BRA makes a final determination. Written comments may be submitted to the BRA on that report. The BRA meetings on the project are public meetings, but no member of the public is permitted to speak at the meetings, except at the Chair's discretion. There does

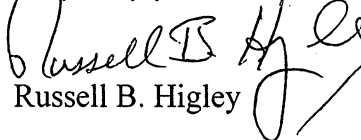
not appear to be any specific provision for participation in this process for the City of Cambridge or its officials beyond that of the general public.

After the BRA's certifications are given, a construction plan will be submitted for BRA approval, and Harvard would then be able to seek its building permit from the Boston Inspectional Services Department. Most other City of Boston agencies give their input on the project through the BRA process. It is possible that other local permits will be required, for instance, from the Boston Fire Department in connection with the garage proposed.

The BRA confers with an Allston residents association on this project, and has already received some written comments on the project from some Cambridge residents.

It is possible that state or federal permits would be required, but we have no information concerning such permits at this time. In general, the City of Cambridge would probably not have any special rights in such processes because the project is not within the City limits.

Very truly yours,


Russell B. Higley



City of Cambridge

Consent Agenda #28

IN CITY COUNCIL

July 31, 2000

COUNCILLOR DAVIS

ORDERED: That Consent Agenda #28 of July 31, 2000 regarding a report on the requirements needed before permitting Harvard's proposed graduate student housing be referred to the neighborhood and long-term committee, along with the issue of Harvard's institutional master plan for Boston (Is there such a plan for Cambridge?); and be it further

ORDERED: That the City Manager be and hereby is requested to provide that committee with an update on requirements for permitting.

In City Council July 31, 2000.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

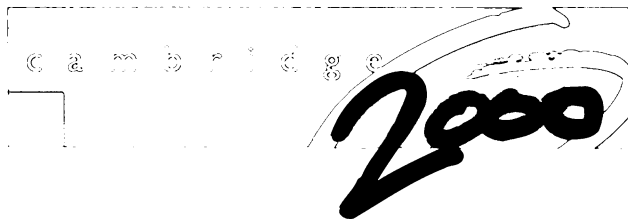
A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk

28.



CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager

Richard C. Rossi, Deputy City Manager

July 31, 2000

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 00-30, regarding a report on the requirements needed before permitting Harvard's proposed graduate student housing, received from City Solicitor Russell Higley.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachments



2000 Things 2 Do in 2000

Consent Agenda #28

5229

Relative to AW Rpt. #00-30,
regarding a report on the
requirements needed before
permitting Harvard's proposed
graduate student housing.

In City Council July 31, 2000

sent to M. Becker on 8/2/2000

PLACED ON FILE
ORDER ADOPTED

Referred to
Neighborhood + Long-term
Planning Committee