20

Lopez, Donna

From: Tom Stohlman [tstohlman@comcast.net]
Sent: Sunday, April 07, 2013 1:39 PM
To: City Council; Lopez, Donna
Cc: Marc Levy; Robert Winters; Erin Baldassari
Subject: Comments on MIT Zoning Petition for 4/8 Meeting
Attachments: 040713 City Council MIT PUD5 Comments.pdf

To the Members of the City Council,

I have attached some comments regarding Item #15 under Unfinished Business regarding the MIT PUD5 petition. I am unable to attend the start of the meeting due to a previous committment.

Tom Stohlman

To the Cambridge City Council,

Here's the simple version of my previous concerns regarding the MIT PUD 5 petition:

1) The new zoning will change an academic district into a commercial/office district.
2) The new zoning will have far less open space than the existing campus.
3) The new zoning will not meet the residential needs for Kendall Square.

Once this zoning amendment is passed, the reality of the PUD 5 district will be MIT's responsibility. MIT can meet all of my concerns with the new zoning. MIT's April 2, 2013 Kendall Initiative brochure shows some intent to do so. MIT, by right, can also fail to meet my concerns with the new zoning. Even worse, in the future, they can press the City for more commercial space allowances and density, as other developers have done in the recent past.

In return for your vote, you are requiring MIT to give the City $15 Million in cash and property. $6.7 Million will directly improve their parcels with Kendall Square open space/transportation improvements. The rest will not. Using the City Manager's figures, this Zoning Proposal will increase the underlying land value from $3,015,700 to $27,729,374, a difference of at least $24.7 Million. Including the costs of proposing a zoning petition, it's a very good return on investment.

Zoning defines the physical building limits and uses for a property. Zoning should reflect the public interest in good design and appropriate uses. The actual zoning proposal allows, but does not require, MIT to maintain a strong institutional character south of Main Street, provide campus-like open spaces, and build housing to serve the Kendall community. You've required cash payments for the proposal to pass, why not <u>require</u> (not just allow) this academic, open space, and residential use in the actual zoning? That would get my vote.

These comments are coming to you later than I'd like. I wanted to make sure I saw the latest proposal before commenting. I've attached a small list (Page 3) of potential defects in the actual wording which may need addressing. I have also attached the following spreadsheet which compares outcomes for the underlying and proposed zoning. It shows ideal buildouts (highlighted in green), if MIT and the City choose to keep the commitment they made to HUD in the 1960's for academic land use in return federal funds to develop Kendall Square. It also shows (highlighted in red) what will happen if the City and MIT, both rich institutions already, forget what made them rich in the first place: A Residential Campus of Higher Education.

Thank You,

Tom Stohlman
19 Channing Street
Cambridge, MA 02138
617-547-5246
tstohlman@alum.mit.edu

Zoning Buildout Table

	Parcel SF				Buildout Options			
1	1,253,000	**Current**	**4/28/11**	**Current**	**Excess to**	**+Academic**	**600,000**	**Excess to**
	Built SF (BSF)	**Built**	**Proposal**	**Proposal**	**Academic**	**Housing**	**Commercial**	**Commercial**
2	Possible BSF	3,759,000	4,881,400	5,241,700	5,241,700	6,095,700	5,001,700	5,241,700
3	Excess BSF	946,000	908,400	1,143,700	0	0	1,523,700	0
	Commercial BSF	349,000	1,329,000	1,329,000	1,329,000	1,329,000	949,000	2,472,700
	Academic BSF	1,843,000	1,843,000	1,843,000	2,986,700	2,986,700	1,843,000	1,843,000
	Retail BSF	50,000	110,000	115,000	115,000	115,000	115,000	115,000
	Residential BSF	571,000	691,000	811,000	811,000	1,665,000	571,000	811,000
	% Commercial	9%	27%	25%	25%	22%	19%	47%
4	% Retail	1%	2%	2%	2%	2%	2%	2%
4	% Residential	15%	14%	15%	15%	27%	11%	15%
	% Academic	49%	38%	35%	57%	49%	37%	35%
5	% Innovation	64%	49%	49%	70%	75%	50%	51%
6	% Open Space	43%	15%	15%	40%	40%	15%	15%
	Heights	270'	85'-300'	85'-300'	85'-300'	85'-300'	85'-300'	85'-300'
	Street Heights	114'	85' 10' Back	85' 16' Back	85' 16' Back	85' 16' Back	85' 16' Back	85' 16' Back
	Maximum Heights	270'	150'-300'	150'-300'	150'-300'	150'-300'	150'-300'	150'-300'
	Setbacks	Varies	None	None	None	None	None	None
	FAR	3.0	3.8	3.9	3.9	3.9	3.9	3.9
7	Real FAR	2.2	3.2	3.3	4.2	4.9	2.8	4.2
	Notes	*8*				*9*	*10*	*11*

Notes
1. Total square footage of assembled parcels.
2. This is a combination of the allowed FAR building square footage limit plus any exemptions from FAR. The current proposal exempts residential, retail, and some "innovation" uses from the total.
3. This is the leftover square footage available after accounting for proposed buildings.
4. The K2C2 consultant said that 25% residential and 2% retail is ideal for a lively urban area.
5. I define Innovation as the combination of Academic/Academic Residential/New Innovation Space.
6. Even if MIT provides no new open space for unbuilt parcels, it will easily meet the 15% requirement.
7. This is the actual ratio of building gross floor area to land area if exemptions are included.
8. Numbers from CDD.
9. This buildout will meet all of my concerns.
10. This buildout shows the maximum commercial buildout before any new residential is required.
11. This buildout shows what will happen if the commercial limit is raised in the future.

Possible Defects in the Final Language of the Petition (4/2/2013 Version)

1) Section 13.89.4 may be in conflict with MGL 40a Section 3: Exemptions:" No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code." You are regulating the methods of construction of structures regulated by the State Building Code "Stretch" Code, which you adopted two years ago.

2) Section 13.810.2 contains a reference to "Section 13.910.2", which does not exist.

3) Section 13.810.2 : This Community Benefit contribution has to be carefully crafted so it doesn't conflict with MGL regarding taxes and fees. I pointed out early in the K2C2 process that it may be imposing an inappropriate "tax" on property. If it is a "user fee", it may be inappropriate if not entirely used for purposes of directly benefitting the user with some "city service".

As currently written, 33% of the fee may be used to provide a "city service" serving residents and businesses throughout Cambridge, but not necessarily serving the user being charged. The remaining 67% is being used to improve adjacent open space and transportation. It arguably serves the user being charged and will also serve residents and businesses throughout Cambridge, and more clearly meets the requirements of a "user fee".