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Drury, Margaret

From: Carol O'Hare [c.burchardohare@att.net]
Sent: Wednesday, October 05, 2011 7:32 AM
To: City Council; Drury, Margaret
Cc: City Manager
Subject: City Council: MIT 26-acre rezoning - Ordinance Committee 9/12/11 Report + Planning Board 10/4/11 hearing
Attachments: ZoningKendallOrdinanceCommitteeReportReMITHearing110713.doc; ZoningKendallSuppToO'HareEmail110930.doc
Importance: High

Dear Mayor Maher, Vice Mayor Davis and City Councilors and Ms. Drury (for filing with the official records):

It seems that MIT Investment Management Co. (MIT), Community Development Dept. (CDD) staff, and the Goody Clancy consultants have been very busy since the Planning Board's and your July 12 and 13, 2011 initial hearings on MIT's rezoning petition.

For your convenience, the following 2 paragraphs are my **bottom-line comments**:

Because (i) MIT will apparently not be withdrawing its petition and (ii) the 90-day period for final action on rezoning petitions, is to elapse on Oct. 11, before the City Council has voted on it, that may render MIT's rezoning petition "inactive" under Section 5.21 of the City's Zoning Ordinance. See Note B below. If that is what happens, I respectfully suggest that, as soon as the planning processes reach some more realistic proposal, the City notify potentially impacted business, community groups and neighbors of the proposal so that they can have input well before the end stages. Otherwise, people outside the core planning personnel, groups and committees may not even have 90 days to express their views and have the hope of any impact. (Indeed, if the revised rezoning petition is materially different in substance from the one submitted for the July hearings, I wonder whether MIT won't be required to refile its revised petition.)

In short, I hope the Planning Board and the City Council don't to wait until the final stages of planning to allow for effective input from the interested community into MIT's major rezoning of 26 acres "in the vicinity of Kendall Square."

MIT clearly demonstrated in July that their significant rezoning petition for 26 acres "in the vicinity of Kendall Square" (including 1/3 mile along Memorial Dr.) wasn't really reflected in their July state-of-the-art promotional materials, consultants' power-point presentations and model presented by a troupe of professionals. **MIT simply seemed not to have done any important "homework" with anyone, not City officials or personnel, not important nearby and larger community & neighborhood groups, not their own students, and not even with the Kendall Square Central Square (K2C2) Planning Study group.** And, who knows about their faculty?

Members of the Planning Board and the City Council/Ordinance Committee were dismayed, even shocked in some cases, by the substance of the proposal and the minimal "public process." Among other expressed concerns, MIT's proposal would:

- be woefully inadequate in student housing - only 120 units, which MIT was proud of;
- allocate minimal space for MIT's fundamental academic mission;
- provide insufficient public, open space;
- significantly increase height limits up to 300', including a parcel along a 1/3-mile stretch of Memorial Drive west of the Longfellow (Salt & Pepper) Bridge where 150' heights (or 15 stories) would be permitted;
- impact historic buildings;
- assure no lively mix of retail uses;
- permit some strange uses, including bottling plants and drive-in theaters; and
- completely exempt from Cambridge Zoning restrictions all signs and their lighting (remember the Building I.D. - a/k/a Branding - Signs proposal), though I was told this was not MIT's intention.

I thought that MIT would surely begin from scratch with the necessary, though time-consuming and hard work, required for such a massive rezoning undertaking. They certainly need to solicit, receive and respond meaningfully and fully to input

from the business community and neighborhood and community groups and individuals (including the K2C2 Study Committee), not to mention their own academic community (including undergrad and graduate students), all of whom would be affected by MIT's planning and development, as well as to issues raised so fully by Mr. Simha in his July and recent submissions. And, they must, of course, work with our City's talented CDD personnel and the Goody Clancy (the City's consultants, for the Kendall/Central Square Study) in creating the best plan for **all of MIT**, especially, of course, for its main academic enterprise, and for Cambridge, which they apparently started doing some time after the July hearings.

I'm sure from Board and Council's members' comments at the July hearings, that their members realizes that it's not **ALL** about investment/development opportunities and opportunities for "**Innovation**" (repeated more than 25 times by MIT's hearing presenters in 51 pages of Planning Board hearing-transcript).

But, instead, at the Council's 9/12 meeting, the Council discussed their Ordinance Committee's Report on MIT's rezoning petition (see 2nd attachment above); MIT has filed with the Planning Board a 22-page supplement entitled "Enhancing Kendall Square"; and the CDD staff sent you the Planning Board their 9/27 "Update" memo re MIT-Kendall Zoning Petition, including their helpful 2-page indicating that work is proceeding on the project. It seems from those materials that at least CDD and Goody Clancy are involved and having significant input into the planning process. (I have gladly noted that, per CDD's memo, the "blanket waiver of signage requirements" that MIT sought and that got my attention in July are considered "not appropriate" and are to be changed by MIT.)

Because I share or sympathize with many of the numerous concerns raised by various people at the July hearings, as well as by the Planning Board and the City Council, I respectfully make the following request.

Because (i) MIT will apparently not be withdrawing its petition and (ii) the 90-day period for final action on rezoning petitions, is to elapse on Oct. 11, before the City Council has voted on it, that may render MIT's rezoning petition "inactive" under Section 5.21 of the City's Zoning Ordinance. **See Note B below.** If that is what happens, I respectfully suggest that, as soon as the planning processes reach some more realistic proposal, the City notify potentially impacted business, community groups and neighbors of the proposal so that they can have input well before the end stages. Otherwise, people outside the core planning personnel, groups and committees may not even have 90 days to express their views and have the hope of any impact. (Indeed, if the revised rezoning petition is materially different in substance from the one submitted for the July hearings, I wonder whether MIT won't be required to refile its revised petition.)

In short, I hope the Planning Board and the City Council don't to wait until the final stages of planning to allow for effective input from the interested community into MIT's major rezoning of 26 acres "in the vicinity of Kendall Square."

Thank you for your time and consideration.

Sincerely,

Carol O'Hare

FYI: I sent a similar email to the Planning Board before their yesterday's continued hearing on MIT's rezoning petition.

Note A

1st Attachment - excerpts from the Planning Board's July 12 Hearing

2nd Attachment - copy of the City Council/Ordinance Committee's July Hearing Report + the link to its own attached copies of the written submissions for that hearing.

Note B: For easy reference, here are relevant Cambridge & Massachusetts zoning provisions:

Cambridge Zoning Ordinance, Section 1.52

No proposed amendment to this Ordinance which has been unfavorably acted upon by the City Council shall be considered on its merits within two years after the date of such unfavorable action unless such an amendment is recommended in the report which the Planning Board is required to make to the City Council. The granting of "leave to withdraw" after a proposed amendment has been advertised for a hearing before the City Council shall be considered as

constituting unfavorable action. Failure of the City Council to take action on a petition for a zoning amendment within ninety (90) days after the Planning Board's hearing on said petition shall render the petition inactive. Such failure to act shall not be considered unfavorable action but shall require another Planning Board public hearing, in accordance with the requirements of Section 5, Chapter 40A, G.L., prior to any subsequent City Council action on the petition.

Mass. General Laws, Chapter 40A (Zoning Enabling Act), Section 5 excerpt:

No proposed zoning ordinance . . . which has been unfavorably acted upon by a city council . . . shall be considered by the city council . . . within two years after the date of such unfavorable action unless the adoption of such proposed ordinance . . . is recommended in the final report of the planning board.

Supplement to O'Hare email 9/30/11 re MIT Rezoning Petition

For more info & background re MIT/MITIMCO's Kendall Square and vicinity 26-acre rezoning petition

7/12/11 Planning Board Hearing Transcript, pp. 69 & ff. for public comments:

http://www2.cambridgema.gov/cdd/cp/zng/agenda/2011/pb_20110712_transcript.pdf

7/13/11 City Council Ordinance Committee Hearing on MIT Rezoning - Report 9/12/11 on City Council 9/12/11 meeting agenda:

http://www2.cambridgema.gov/cityclerk/CommitteeReport.cfm?instance_id=627 + Attachments (start at end & go forward to read public comments)

The Kendall Square Advisory Committee has been meeting since April 2011. The Committee is expected to meet approximately once a month through the duration of the process; meetings are typically on the third Thursday morning of the month. A series of public meetings is also planned to solicit input from the broader community. The first public meeting was held on June 21, 2011.

<http://www2.cambridgema.gov/cdd/cp/zng/k2c2/index.html>

Excerpts from Planning Board's 7/12/11 Public Hearing

CAROL BELLEW: To start off, we have an RFP. What are we doing here in the middle of the summer with an RFP that's already been paid for with Goody Clancy for a whole year? And here we are looking at MIT months before they even come up with anything at the RFP. So that's kind of put me off. . . .

ALEX EVANS: Hello. I'm Alex Evans. I live at 304 Washington Street, and I'm also President of MIT's Graduate Student Council. To provide some context on graduate students at MIT, we are over 6,000 in number. We have an average income of about \$25,000 per year. Nearly half of that is spent on housing. We work long and irregular hours outside of a nine to five schedule. And we live in the very same neighborhoods as many of you here this evening. Two-thirds of us actually live off campus, and most of us walk home alone after ten p.m.

Overall, we're excited about the prospect and the possibility of revitalizing Kendall Square. Particularly the opportunity that any revitalization project in Kendall has providing a diverse retail, dining and recreation options. And for this we applaud the City's efforts in particular in looking at how to improve Kendall Square. But with so many of us living off campus and in transit late at night, we urge the Planning Board to consider the current state and long-term viability of affordable and accessible housing for MIT graduate students as part of any project in Kendall Square. We encourage this process to take into account our constituencies that seeks this affordable and accessible housing, dining and recreation options. With the oversaturation of demand for affordable and accessible housing near MIT's campus, graduate students have become increasingly concerned. And MIT graduate student's council and the graduate student community as a whole are interested in being involved in contributing to the process and revitalizing Kendall. We are invested in this community and we encourage the Planning Board to take the opportunity of a Kendall revitalization project to mold Kendall and into a greater center of innovation by keeping graduate students invested in the community, by not only living here but working here and treating Kendall as a welcoming home and as a vibrant social center.

HEATHER HOFFMAN: . . . What are we doing having a study of this whole area if all of the land is going to be rezoned while the study is going on? It is a waste of everyone's time and money, and it's an insult to the people who are trying to do a study. . . .

As far as I'm concerned, no signs. Zero. You want them down at the street level so that people can find their way around. There are many pretty cool signs currently in Kendall Square that are down at street level.

My neighborhood is where most of the current testosterone waving branding signs are on top of buildings, and they are doing nothing to enhance the sky scape or the street scape. They are simply flaunting people's names and trying to make them feel big. So, please, no changes on the signs. . . .

BOB SIMHA: I believe the Board has a letter from me and some attachments so I'll just summarize my concerns. . . .

They really fall into two categories: One, **as many of you know, I was the director of planning for MIT for 40 years.** [Emphasis added.] During that time I participated in making significant commitments on the part of MIT to both the City of Cambridge and the Federal Government with respect to the development of the south side of Main Street and other properties that MIT owned for the exclusive use of academic space. Those agreements resulted in the ability for the City of Cambridge to finance the Kendall Square Urban Project. There are differences of opinions about whether these agreements still hold. It is my firm belief that they do, and that if even for technical issues, there may be some argument about that, the ethical and morale questions which are embodied in those agreements I think must be given respect and hold. The City's reflection of the institutional district I think reinforce the principle that the area south of Main Street should be used for the ability for the institution to logically expand its activities over the years, not just for the next five years or the next ten years, but for the long haul.

The institute is now rapidly moving and in the direction of being landlocked, and the kind of development which is proposed by the MITIMCO, the MIT investment management company, I think will seal the fate of the academic community for many, many years.

Finally, I'd like to say that in addition to reinforcing many of the issues that have been raised here particularly the desperate need for housing for both the MIT community and the community that's developed in this area, **I think what the MITIMCO has proposed is really quite sad and quite disrespectful for the needs of this community.** [Emphasis added.]

And finally, I would just want to emphasize one very important consideration:

That if this area is devoted to commercial use, it will throttle academic in this area. Over time the academy will press for the acquisition of this space for academic purposes and remove it from the tax rolls just as the time the City believes it's enjoying significant revenues from commercial development, it will find itself confronted with the fact that these buildings and these facilities will be removed from the tax rolls. And the conflict that will result from that, and I've experienced many of those events over the years, over a period of 50 years, I know exactly what happens here in Cambridge. I urge you not to set a course for this area in that direction. It will be painful to all, but more fundamentally it will undermine the future development of this institution that's the engine of the success of this part of the city. I urge you to put this proposal aside or to ask the institute to withdraw this.

Finally, let me just remind everybody, MITIMCO is the MIT investment management company. It is not the academy. You do not see faculty members here tonight. You do not see people who in fact make the institution's academic life work. They are not represented here. If they were, with the exception of the graduate --the President of the Graduate Student Council came, I think you would hear quite a different story about what the future of this area should be.

WALTER MCDONALD: My name is Walter McDonald.* I live at 172 Magazine Street. Throughout this proposal I have heard no comment about what is known as Block F on the proposed zoning plan. This includes an apartment building that's not owned by the management company, but is essentially not part of Kendall Square. It is along Memorial Drive. And I see no reason for this Planning Board to consider Block F** as part of its overall plan. . . .

*He's my husband.

**1/3 mile along Memorial Drive, just to west of Longfellow Bridge & One Memorial Dr. (Microsoft/InterSystems building)