

MEMORANDUM

Date: July 13, 2007

To: Agassiz and Neighborhood Nine communities

From: Community representatives: Ron Axelrod, Joel Bard, Adriane Bishko, William Bloomstein, Stephen Diamond, Fred Meyer, Carol Weinhaus;
Harvard representatives: Mark Johnson, Tom Lucey, Daniel Meltzer, Mary Power

Subject: Harvard Law School Implementation Agreement for its proposed Northwest Corner Development and North Hall relocation project.

The purpose of this memorandum is to present Harvard University's commitments with regard to the proposed Harvard Law School/University Operations Services "Northwest Corner" Development and North Hall house relocation project. In jointly creating a Memorandum of Understanding in March 2004 Harvard and the Agassiz community agreed to work cooperatively regarding North Campus development projects with the goal of identifying and advancing opportunities for mutual benefit. Within the construct of the MOU relationship, representatives of both the University and the community have agreed to support a relationship of cooperation and shape an Implementation Agreement for Harvard Law School Northwest Corner development (that will be located above underground parking that will be operated by University Operations Services) and related changes at the North Hall site, that grew out of broad community consultation.

Consistent with the MOU, a Working Committee comprised of Harvard and neighborhood representatives agree to the following implementation agreement. Both Harvard and the community representatives by virtue of their participation in discussions of this implementation agreement affirm their commitment to the spirit of cooperation set out in the Memorandum of Understanding.

DESIGN / PROGRAM COMMITMENTS

Since 2001, Harvard Law School's discussions about the project with the Agassiz Neighborhood Council (ANC) and residents of Neighborhood Nine have informed Harvard Law School's planning to replace the Everett Street garage with an academic building. Without the collective work of the many residents and city representatives through this valuable process, the project design would be an entirely different one. The project proposal has been shaped both to meet the Law School's academic needs and planning goals to unite and enhance its campus -- and also by the interests of the Working Group with regard to the future of Massachusetts Avenue, traffic, parking, safety, community retail, historic buildings, campus edges, scale and texture, pedestrian pathways, open space and image.

Because Harvard Law School worked to engage residents and city officials at the earliest stage, plans have been shaped by and have incorporated responses to concerns and issues that have been raised. This project has presented opportunities to incorporate into the University's buildings a broad range of features that benefit the community. As a result of productive discussions and many valued suggestions, the project has evolved to incorporate many benefits to the community, including the following:

1. The proposed Harvard Law School Northwest Corner transforms an unattractive area of the Law School campus that is presently characterized by "backdoor" service and loading functions into a more welcoming new gateway to the campus that faces the street and brings activity to Massachusetts Avenue. The building would replace the existing Everett Street garage, cited by the community as an unattractive and blank element on the avenue, with a building designed by Robert A. M. Stern Architects;
2. Existing loading docks will be removed, and the proposed Northwest Corner building is organized on the site so that it shields an unsightly loading/service area and garage access from the view of neighbors;
3. The building is set back from Massachusetts Avenue more generously than either the Everett Street garage or Wyeth Hall thereby allowing space for ample landscaping (including trees) and street furniture including benches along Massachusetts Avenue;
4. In response to interests regarding scale, Harvard Law School reduced its desired academic program and proposes to locate academic space below grade, so as to keep building heights far below zoning limits;
5. The building steps back along both Massachusetts Avenue and Everett Street to create a pedestrian experience that is appropriate to the scale of both streets;
6. Mechanical equipment is located within the building where possible, and that equipment that will be located on the roof will be fully enclosed within a specially designed enclosure;
7. Pedestrian access to the Harvard Law School campus is improved with creation of two landscaped entry plazas, one at the northwest edge of the site and one at the southwest edge of the site, as well as with enhancement of the secondary pedestrian pathway from Everett Street;
8. Harvard Law School agreed to relocate the two wood frame buildings (1581-3 Mass Ave & the historic portions of Baker House including the associated carriage house) to the Law School's North Hall site (at the corner of Massachusetts Avenue and Mellen Street) following a suggestion made by the Working Group;
9. A new expanded storefront location for the Harvard Law School Coop will open in the Northwest Building;
10. In response to interests in improving safety for pedestrians, the proposal includes increased lighting, windows facing the street and uses that will bring greater activity and animation both day and night;
11. Unsightly surface parking at both the Northwest Corner site and at North Hall will be replaced by underground parking;

12. At the North Hall site, new landscaping will be provided to improve the streetscape with a landscaped edge;
13. A Zip Car will be located at the North Hall site. A second Zip Car may be added should use patterns indicate that there is sufficient demand.

CONSTRUCTION MITIGATION MEASURES

Harvard University is committed to providing a high level of construction mitigation for its neighbors. To implement this commitment, Harvard Law School and University Operations Services have created a comprehensive construction mitigation plan. Key elements include: designation of a construction mitigation manager who will coordinate mitigation activities and creation of a comprehensive communication strategy that will include a construction mitigation hotline to address issues that may arise. Construction mitigation services are planned to be provided by the same team that is working on FAS projects in the North Campus.

For the Northwest Corner project Harvard Law School and University Operations Services commit to the following construction mitigation measures. Measures will also apply to modifications at North Hall as appropriate with the understanding that there will be some specific protocols associated with moving the houses.

1. Designate a Construction Mitigation Manager:

Duties of the construction mitigation manager will include but not be limited to:

- Develop transportation plans for truck routes and queuing to be approved by the City.
- Implement a comprehensive communications program including a construction mitigation hotline.
- Implement the procedure to address complaints in a timely and effective manner.

2. Develop a Communications Plan:

- A comprehensive communications plan will be developed which utilizes multiple methods of outreach including mail, web sites, e-mail, newsletters – both from Harvard and in the *Whistler*, community forums, updates at neighborhood association meetings, and meetings to inform immediate abutters of construction activities.
- Harvard Law School and University Operations Services will utilize a construction mitigation hotline phone number. The construction mitigation phone number will be made accessible via the Harvard University information directory.
- The Construction Manager shall set up and maintain an on-site bulletin board to be used as a communication tool between the project and the neighborhood.
- The Construction Manager will post the schedule of the following week's significant construction activities that affect the public on the project's on-site bulletin board.

3. **Coordination of University Projects and Activities:**
 - The construction mitigation team will monitor activities and coordinate with Harvard representatives on all ongoing projects in the North Yard. Complaints will be discussed and responses are reviewed.
 - In matters of police details, Harvard University Police work with the project teams and discuss appropriate issues with the Cambridge Police Department.
 - Harvard will participate in coordination meetings convened by the City of Cambridge to monitor impacts of all projects in the area.

4. **Truck Traffic and Contractor Parking:**
 - Haul routes, debris and soil removal, and staging areas will be conducted in a manner that minimizes the impacts to the abutting communities to the extent feasible.
 - Harvard will work with the City of Cambridge which works to develop truck routes to maximize truck flow on main traffic arteries to/from site and minimize any impact to neighborhood streets to the extent feasible.
 - No truck deliveries shall be allowed prior to work hours allowed by City of Cambridge Ordinances. Deliveries outside of typical hours will only take place if advance notice and necessary permits are obtained.
 - Public transportation will be encouraged through communication with contractors and subcontractors. A shuttle bus shall be provided for worker transportation to the project site from a designated parking area.
 - Parking on public streets in the project vicinity without appropriate resident stickers shall result in fines from both Harvard and the City of Cambridge in addition to towing of the offenders. The mitigation manager will oversee regular checks of adjacent streets to enforce this policy.

5. **Project Work Hours:**
 - Work hours shall be consistent with those allowed by City of Cambridge ordinances. Work outside typical hours shall be restricted and be performed only if advance notice, and necessary permits are obtained.

6. **Noise/Dust/Vibrations**
 - Work shall be performed so as to prevent nuisance noise conditions that are preventable (e.g., unmaintained equipment, brake squeal, etc.) to the extent possible.
 - Notice of work activities that generate unavoidable excessive noise will be provided in advance on the project bulletin board and email notice.
 - Harvard shall perform street sweeping / vacuuming for construction activities including demolition, excavation, slurry / soil mixing operations on an as needed basis. Wheel washing will be used during excavation of the underground garage.
 - The project shall comply with the City of Cambridge regulations governing rodent and trash control.
 - As appropriate, for each project and before major construction activity begins, abutters' buildings shall be surveyed by Harvard to document existing conditions and assess structural integrity. At the completion of the project, Harvard will perform a post-construction survey of surrounding buildings and structures.
 - Harvard will have a vibration monitoring program in place utilizing seismographs that will monitor vibrations at the site perimeter and pins that will be located at key adjacent locations.

- Harvard plans to create a mitigation fence at the Everett Street edge of the main construction site utilizing jersey barriers on which wood panels will be installed such that the wall will reach a height of approximately 15 feet above the site grade. Harvard will offer to work with the Baldwin School to explore opportunities for children’s artwork to be displayed on the wall.

7. Enforcement:

- A Construction Mitigation team representative will be on site daily to address any issues that arise.
- Neighbors and abutters are provided a phone number to reach the mitigation team for any construction related complaints. The phone number will be distributed to neighbors/abutters via mail, in newsletters, at neighborhood council meetings, and is available via the Harvard University information directory.
- Emergency phone calls placed to the Mitigation Call Center during non-work hours will be forwarded to the Harvard Operations Center for immediate action.

TRAFFIC

1. As a result of Working Group discussions and in coordination with the City of Cambridge Traffic Parking and Transportation Department, Harvard has designed Northwest Corner access and egress to minimize vehicle trips into the residential neighborhood. From a range of alternatives presented to and reviewed by the Working Group, Harvard Law School has agreed to work with the City to make a segment of Everett Street between Massachusetts Avenue and the garage entrance 2-way, thus allowing vehicles exiting the garage to get to Massachusetts Avenue without having to travel through the neighborhood streets. This will address several community concerns about traffic by reducing congestion on Massachusetts Avenue now caused by entry and exits onto Jarvis Street, improving conditions at the Massachusetts Avenue/Everett Street intersection for vehicles and pedestrians, and reducing the flow of cars and truck traffic from Harvard parking facilities through the Agassiz Neighborhood.
2. As advised by the City of Cambridge Traffic Parking and Transportation Department in response to Working Group discussion, Harvard has also agreed to make signalization changes at Massachusetts Avenue, Everett Street and Chancy Street that will result in level of service improvements. Improvements include:
 - a. Replace and move the pole mounted signal controller;
 - b. Upgrade the signal housings with doghouse type signal housing and more efficient LED equipment, including countdown pedestrian signals;
 - c. Provide the missing crosswalk on the north side of the intersection including, pedestrian ramps, pedestrian poles and conduit as needed;
 - d. Modify the curb ramps to improve pedestrian and handicap access;
 - e. Update the pavement markings;
 - f. Coordinate the signal with the Mass Ave/Wendell Street intersection which work as a pair and introduce concurrent pedestrian phasing to reduce delays and improve pedestrian level of service.

- g. Retain an existing on-street bicycle lane along Everett Street and augment the existing bicycle parking supply.
 - h. After the Northwest Corner Building is open and the parking garage is approximately 60% occupied, Harvard will conduct traffic, pedestrian and bicycle counts at the Massachusetts Avenue / Everett Street / Chauncy Street and Massachusetts Avenue / Wendell Street intersections and provide the data to the TP&T Department. The data will enable the TP&T Department to adjust or fine-tune the traffic signal timing and phasing.
 - i. Harvard will consult with the City of Cambridge Traffic Parking and Transportation Department with regard to timing of the signal at Mass Ave/Whitehouse St. to ensure coordination with Everett and Wendell Street lights.
3. Harvard will work with the City of Cambridge Traffic Parking and Transportation Department to develop interim traffic solutions while Everett is being transformed into a partial 2-way street. Interim conditions will be communicated to Neighborhood Nine and Agassiz representatives and through the Whistler and ANC meetings.

PARKING

1. Harvard will implement an interim parking plan to accommodate Everett garage parkers utilizing the Oxford Street lot as well as other University parking areas.
2. The 10 on-street parking spaces eliminated as a result of the 2 way Everett configuration will be replaced by new spaces on Massachusetts Avenue, Everett Street and on Mellen Street as directed by the City of Cambridge Traffic Parking and Transportation Department in response to discussion at the Working Group.
3. Harvard will provide approximately 74 covered bicycle parking spaces located to the south of Pound Hall opposite the Lewis building, approximately 24 new covered surface bicycle spaces at the northwest corner of Harkness Commons, covered bicycle parking underneath North Hall, and bicycle racks on the Massachusetts and Everett Street sidewalks for short-term bicycle parking to be approved by the City of Cambridge Traffic Parking and Transportation Department.
4. Harvard will continue its aggressive program to reduce single occupant vehicle trips to the campus. Currently fewer than 16% of Harvard affiliates drive alone to the Cambridge campus.
5. During city designated snow emergencies, nearby residents may park in the garage. This practice will continue unless additional security measures become essential.

MASSACHUSETTS AVENUE / ENVIRONMENT

Harvard University and its Law School acknowledge Agassiz and Neighborhood Nine's concerns and interests regarding the scale, height, character, and vitality of Massachusetts Avenue north of Everett Street. In particular, residents have conveyed a desire to find a balance between the institutional and commercial presence of Massachusetts Avenue and support an environment in which its distinctive character and mix of community-oriented retail businesses can thrive.

1. Harvard University acquired the property at 1607-1615 Massachusetts Avenue in 1988 as a site for academic development. In response to the community's consistent interest in preserving retail at this site, Harvard Law School has agreed not to develop it as a part of its current Northwest corner project.
2. In response to community interest, Harvard University and its Law School have agreed that it will not apply for a building permit for a new building at the 1607-1615 Massachusetts Avenue site anytime before 2021 (unless necessary for regulatory compliance or for restoration or construction after fire or other casualty loss). This commitment is not meant to preclude Agassiz Neighborhood Council and Neighborhood Nine representatives from waiving this agreement by Harvard should there be a project proposal for development prior to 2021 that the neighborhood groups favor.
3. With the goal of identifying and advancing opportunities for mutual benefit, if after 2020 Harvard wishes to consider constructing a new building at this site, Harvard will actively engage with the community in the context of the MOU and with City bodies to identify ways in which the site can contribute positively to the character of Massachusetts Avenue. Understanding that the community has expressed interest in the future of Massachusetts Avenue, Harvard will actively engage with the community as described as a part of, and within the context of the MOU regarding possible redevelopment of North Hall.
4. Harvard will apply for LEED certification for the Northwest Corner building.
5. Harvard will plant new street trees on Massachusetts Avenue and will maintain trees for a minimum of five years subject to approval by the City.
6. As a part of this Implementation Agreement, Harvard will contribute \$50,000 to fund streetscape enhancements along Massachusetts Avenue between Wendell and Waterhouse Streets. Enhancements may include landscaping such as trees and planters, and street furniture such as seating, banners or signage. Enhancements will be designed with the goal of improving the pedestrian character and unique retail environment of this section of the Massachusetts Avenue corridor. The contribution will be made to the City of with the understanding that the City would coordinate with the Agassiz and Neighborhood Nine communities regarding the design and implementation of enhancements. Harvard is prepared to make the contribution at the City's earliest convenience.