

Moot, Moot & Wheeler IPop

PETITION OF

Petition filed with the City Clerk January 4, 2001

(all hearings to be completed 65 days from In City Council date)

23 days - January  
28 days - February  
51 days  
14 days - March  
65 days - March 14, 2001

In City Council January 8, 2001

Referred to the Planning Board for report January 8, 2001

Planning Board Hearing March 6, 2001

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be May 29, 2001.)

31 - March  
30 - April  
29 - May

90 days = May 29, 2001

City Council hearing published Chronicle on Feb. 7, 2001  
and Feb. 14, 2001

Hearing before the Ordinance Committee February 28, 2001

Reported to the City Council \_\_\_\_\_

Passed to a second reading on \_\_\_\_\_

published in \_\_\_\_\_ on \_\_\_\_\_

Planning Board report received on \_\_\_\_\_

Ready for ordination on \_\_\_\_\_

Passed to be ordained on \_\_\_\_\_

published in \_\_\_\_\_ on \_\_\_\_\_

COMPLETION DATE May 30, 2001

Placed on file due to expiration of time limit

February 28, 2001

Stephen A. Kaiser  
191 Hamilton Street  
Cambridge, Mass. 02139

To : Councilor Kathleen Born, Co-Chair of the Ordinance Committee  
Vice-Mayor David Maher, Co-Chair of the Ordinance Committee

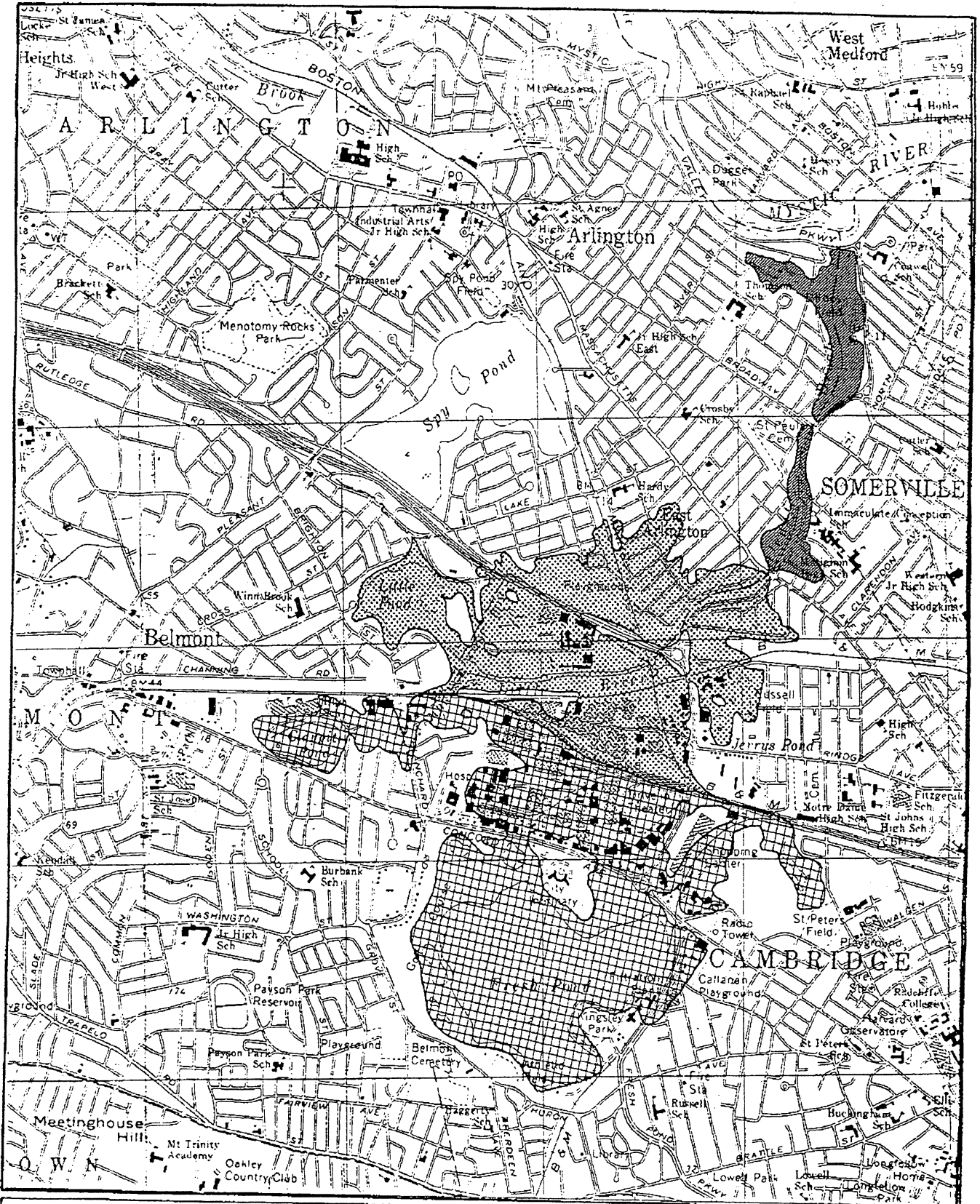
From : Stephen Kaiser , Zoning Consultant, Association of Cambridge Neighborhoods

**SUBJECT: Comments for the February 28, 2001 Public Hearing :  
Extension of Section 11.500 ("IPOP")**

Dear Councilors Born and Maher,

The proposed extension of the IPOP "Term of Effect" from February 12 to October 15, 2001 allows us to review the effectiveness of the IPOP Ordinance as it has been applied over the past two years and compare it with the provisions of 19.000 "Project Review".




- (1). The entirety of the IPOP Ordinance #1209 is contained within 3 pages. The content is reasonably clear and the writing is consistent with zoning terminology in terms of precision, clarity and conciseness. Section 19.000 is diffuse, verbose, vague and sprawling. In many places it reads like an academic discourse on planning concepts, not a guide for zoning.
- (2). IPOP does not promise more than it can reasonably deliver. The requirements for the traffic studies are given generally, as well as the necessary findings. Project Review states in its intent and purpose that it "establishes detailed building and site development standards to regulate new building construction..." Unfortunately, the concept of standards is not developed further, and even "guidelines" introduce an element of vagueness and inconsistency to the zoning provisions. Finally, what began as standards appear to be reduced to "indicators" -- which is an undefined term in zoning and appears to mean everything from something to nothing. I regard the extensive use of "indicators" as a perversion of sound and clear zoning. Decisionmakers may need to develop informal guidelines or lists of factors, but replacing standards and clear thresholds with "indicators" in zoning actually works to undermine the overall credibility of zoning.
- (3). The purpose of IPOP is stated with specific reference to the Growth Policy Statement and to "guarantee that the city infrastructure can support potential increases in traffic." 19.000 Project Review makes only a vague reference to the Growth Policy Document and deletes any reference to assuring the ability of city streets to support added traffic.
- (4). Overall, I find the Project Review Section to read like a Master's Thesis in Planning from Harvard or MIT -- comprehensive in its generality, theoretical, vague, discursive, and unrelated to the actual practicalities of working with real-world sites. I would hope that Zoning would provide everyone with a sense of what was allowed and what was not. Section 19.000 fails to achieve this requirement of zoning .
- (5). Neither IPOP not Project Review provides a consistent definition of what a "Project" is. We have failed to deal with issues of segmentation.



**Arthur D. Little, Inc.**

**NEW OFFICE FACILITY**  
Middlesex County • Cambridge, MA

**100-YEAR FLOODPLAINS**

- Downstream 
- Little Pond to Massachusetts Avenue 
- Upstream 



0' 1000' 2000' 3000'

FEB • 1984

FIGURE 3-15

JASON M. CORTELL and ASSOCIATES INC.

KB, DM KR MD JB LTD  
Les B, Nancy G, Don Driscoll

Interim  
petition  
Planning  
Overlay

time during which  
the (POP) is in effect  
by changing the  
expiration date  
to October 15, 2001.

COMMITTEE MINUTES  
COVER SHEET

The Ordinance  
meeting/hearing on February 28, 2001

Committee held a public  
, beginning at 5:47 a.m./p.m.

in the Sullivan Chamber/Ackermann Room for the purpose of considering  
a proposal to amend the Zoning  
Ordinance to extend the <sup>effective</sup> ~~expiration~~ date  
of the Interim Planning Overlay Permit (IPOP)

Councillor Kathleen L. Born  
Present at the meeting were and Vice Mayor David P. Maher, Chair of the

Committee, Mayor Anthony D. Galluccio, Vice Mayor David P. Maher, Councillor

Kathleen L. Born, Councillor Jim Braude, Councillor Henrietta Davis, Councillor

Marjorie C. Decker, Councillor Kenneth E. Reeves, Councillor Michael A. Sullivan,

Councillor Timothy J. Toomey and City Clerk D. Margaret Drury.

Also present were City Deputy City Solicitor Don  
Driscoll, First Assistant City Solicitor Nancy  
Glowa, + Les Barber, Director of Land Use  
Planning & Zoning for the Community Develop-  
ment Department.

Councillor Born convened the hearing and explained the purpose.  
She invited the petitioner to make a  
presentation.

Stash Horowitz, Vice President of the  
~~Ext~~ Association of Cambridge Neighbors began

~~the presentation~~ for with an outline of

the order of the presentation. He then introduced  
Steven Kaiser,

~~Steven Kaiser~~, 191 Hamilton Street,

Mr. Kaiser submitted  
(~~submitted~~) a letter for the record, Attachment

A, and summarized its main points. He

stated his preference for the IPOP ~~to~~ over

the new project review

(4:55-5:05) Stash Horowitz, 12 ~~Pleasant~~ Florence St

stated that he has attended the Planning Board hearing of  
(~~participated in~~) 20 of the

last 22-25 IPOPs that have come through

the process. He submitted newspaper articles

for the Globe + the Times regarding the new

about  
US. Supreme Court decision regarding the EPA's

authority. He stated that the IPOP is

very significant in that it recognizes that

traffic from a particular development can

affect ~~the~~ <sup>hoods</sup> neighborhood across the city.

Mr. Horowitz change in the  
He noted the project design provisions

<sup>in</sup> change to the Citywide Rezoning petition which  
result from  
~~the~~ eliminating the word "citywide" at B-1

noted that this was not a change suggested  
by the Ordinance Committee, it was part of the ~~recommenda-~~  
submitted by the PB <sup>Mr. Horowitz said that</sup> the language in the Citywide Petition  
deletes the <sup>citywide</sup> "petitions from traffic". See  
Sec 19.211. typo when "and" should be "as"

He urged that the <sup>newly adopted</sup> Citywide <sup>recomm</sup> Petition be quickly  
amended.

Mr. H. noted that there are



was brought to the attention of the <sup>Planning Board.</sup> P.B.

Mr. [unclear] said that the change was made by the <sup>Planning Board</sup> after the <sup>IB</sup> ~~the~~ P.B. public hearing, so there was no opportunity for public testimony.  
KB asked LB why the language

was changed ~~to~~ and whether the language change resulted in ~~(more)~~ ~~looser~~ ~~criteria~~ ~~for~~ measuring traffic impacts.

<sup>Mr. Barber</sup> LB stated that the PB understood

even under 1 POP that <sup>in</sup> reviewing <sup>individual</sup> individual projects, one particular project

could not be held responsible for a citywide traffic problem. The PB concluded that <sup>is</sup> ~~is~~ <sup>more</sup> ~~is~~ <sup>national</sup> ~~is~~ <sup>and</sup> ~~is~~ <sup>defensible</sup> ~~is~~ way to address

traffic problem. The ~~traffic~~ citywide traffic

impacts <sup>was</sup> ~~was~~ ~~caused~~ ~~by~~ the <sup>citywide</sup> FAR reductions in commercial zones.

and ~~the~~ <sup>the</sup> traffic impacts <sup>cutaway</sup> <sup>in the</sup> project review from

~~the~~ <sup>the</sup> ~~total~~ of vehicle trips and specific intersection impacts generated by the project.

KB asked if <sup>it is the case that</sup> the standard of review

by the PB

was under project review ~~still~~ specifies in Section

19.21 that the purpose of the <sup>traffic</sup> review is to ensure that new instructions changes in building use do not impose substantial adverse impacts on city traffic. Mr. Barber answered   
 [KB ~~stated that~~ city traffic. Mr. Barber answered   
 Sec 19.21 looks identical]

the affirmative.

Mr. ~~Steve~~ Kaiser stated that the old

1908 required an assessment of ~~the~~ whether the additional traffic the infrastructure could support, while the

new zoning talks about substantial <sup>impacts</sup> effects.

~~KB requested~~

KB also noted that other sections of the new ordinance require assessment of the cumulative impacts of the impacts. She

then ~~KB~~ stated that w/ all of the

work the Ordinance Committee has before it,

in a case where <sup>has</sup> Mr. City ~~staff~~ said that the new ordinance <sup>does not</sup> ~~offer~~ decrease the standard of review, it is unlikely that the City Council will put a high priority on ~~Steve Kaiser~~ revisiting what it just enacted.

~~Mr.~~ Mr.

~~Steve~~ ~~Throwick~~ also noted ~~Steve~~ Mr.

Kaiser's concern that because Memorial

Drive is not a public way, <sup>the exception is</sup> Table 1 for projects more than 100,000 sq ft from a public way used mean that MIT can build w/out a project review  
KB requested that <sup>Mr.</sup> Barber respond.

Mr.

KB stated that Table 1 is the table which establishes ~~for~~ when a traffic study is required. ~~The standard for traffic review is whether~~  
The ~~only criterion for traffic review is whether~~ the project calls for the ~~increase in parking spaces~~ the described ~~changes in the parking~~ A proposed 50,000 sq ft ~~project~~ requires project design review but not a traffic study.

~~KB noted that <sup>other</sup> sections of the new ordinance require assessment of cumulative impacts.~~

Mr. Horowitz stated that the ordinance should contain ~~that it should be~~ language requiring

a finding by the PB that the project does not affect traffic <sup>congestion</sup> city wide, or if it does, there must be mitigation

KB requested information from the City  
Selectin w/ regard to the issue of whether Mason  
Drive is not a public way + thus, <sup>projects along it are</sup> not subject

to the <sup>new</sup> zoning ordinance because of the exception of  
projects 100,000 ft from a public way.

Mr. Barber said that

LB In addition the 100,000 ft, any

?  
project wherever located is  $\frac{1}{2}$  subject to the  
review

MD stated that 100 feet is just  
2 residential yards deep. What is the rationale  
for excluding this area from traffic review?

LB ~~said~~ replied that the standard for  
review of institutional vis a vis traffic impact  
relates to increases in parking quantities

MD stated that she had to learn

for Kids Council, my <sup>no stop</sup> but ~~needs to express~~

~~Sheela Cook~~

KB then invited public comments.

¶ Elie Yarden, 143 Pleasant Street, spoke in support of extension of the IPOP. It was intended to stay in effect until the citywide rezoning was completed. It is far from complete.

Mr. Barber himself stated that ~~the~~ citywide traffic impacts were to be dealt with by FAR reductions, and these reductions have not yet been made. ~~He noted the ~~the~~ ~~importance~~ of reaching agreement that considers all ~~issues~~ ~~in~~ ~~addition~~ ~~than~~ ~~it~~~~

Sheela Cook, 34 Rollen Street, noted

the limitations of a standard that only considers  
the interests of abusers and abusers to abusers.

Rank 2 and Attempts Parking are already

in order. She urged continuation of the LPSF model

all of the city under ~~the~~ recovery is passed  
KB + DM thanked those present for their attendance  
Adj 5:45

The meeting was adjourned at 5:45 pm.  
For the Committee

KB

DM

To: The Honorable City Council of Cambridge  
From: Registered Voters of Cambridge

Subject: ZONING PETITION TO EXTEND IPOP

2001 JAN -4 A 11: 44

WHEREAS, there exists serious traffic congestion in most neighborhoods throughout the City, and each new commercial, industrial or residential development is likely to bring additional vehicles into use on the City streets;

WHEREAS, there is need for careful consideration of the impacts of each large proposed development on traffic, noise and pollution before building permits are issued;

WHEREAS, the City has enacted Section 11.500 of the Cambridge Zoning Ordinance, entitled Interim Planning Overlay Special Permit (IPOP) to provide for this review;

WHEREAS, the present IPOP Ordinance is scheduled to expire February 12, 2001, the same date as the date by which the Council must act on the proposed Citywide Zoning Ordinance;

WHEREAS, the outcome of the City Council action on the Citywide Zoning Petition is indeterminate;

WHEREAS, this IPOP provision of the Zoning Ordinance has provided for public review and has proven effective and fair;

NOW THEREFORE; we the undersigned being more than ten (10) registered voters of the City of Cambridge respectfully petition the Honorable, the City Council of the City of Cambridge to amend section 11.501 to replace the termination date "Monday, February 12, 2001 inclusive" with "Monday, October 15, 2001 inclusive".

Signature	Name (please print)	Street Address
	John K. Moot	44 Coolidge Hill Rd
✓ 2.	ELLEN G. MOOT	44 Coolidge Hill Rd.
✓ 3.	Cornelia B. Wheeler	123 Coolidge Hill
4.	FRANCIS S. BROWNING	133 Coolidge Hill
5.	Cynthia B. Browning	133 Coolidge Hill
6.	JAMES ACKERMAN	12 Coolidge Hill Rd.
7.	SARAH LEWIS	9 STORY ST.
✓ 8.	DAPHNE ABEEL	148 Pleasant Street
✓ 9.	ELIZABETH GLASER	162 PLEASANT Street
✓ 10.	John T. Berry	164 Pleasant ST

To: The Honorable City Council of Cambridge  
From: Registered Voters of Cambridge

Subject: ZONING PETITION TO EXTEND IPOP

2001 JAN -4 A 11: 44

WHEREAS, there exists serious traffic congestion in most neighborhoods throughout the City, and each new commercial, industrial or residential development is likely to bring additional vehicles into use on the City streets;

WHEREAS, there is need for careful consideration of the impacts of each large proposed development on traffic, noise and pollution before building permits are issued;

WHEREAS, the City has enacted Section 11.500 of the Cambridge Zoning Ordinance, entitled Interim Planning Overlay Special Permit (IPOP) to provide for this review;

WHEREAS, the present IPOP Ordinance is scheduled to expire February 12, 2001, the same date as the date by which the Council must act on the proposed Citywide Zoning Ordinance;

WHEREAS, the outcome of the City Council action on the Citywide Zoning Petition is indeterminate;

WHEREAS, this IPOP provision of the Zoning Ordinance has provided for public review and has proven effective and fair;

NOW THEREFORE; we the undersigned being more than ten (10) registered voters of the City of Cambridge respectfully petition the Honorable, the City Council of the City of Cambridge to amend section 11.501 to replace the termination date "Monday, February 12, 2001 inclusive" with "Monday, October 15, 2001 inclusive".

	Signature	Name (please print)	Street Address
11.-	<u>Carol Bellow</u>	CAROLEE BELLEN	257 CHARLES STREET
✓ 12.-	<u>Stanislaw A. Horowitz</u>	STANISLAV A. HOROWITZ	12 FLORENCE STREET
✓ 13.-	<u>Niki Baccus</u>	Niki BACCUS	12 FLORENCE ST.
✓ 14.-	<u>Joseph J. Avin</u>	Joseph J. Avin	106 Spring Street
✓ 15.-	<u>Shannon Larkin</u>	Shannon Larkin	106 Spring street
✓ 16.-	<u>Peter Desnoyers</u>	Peter Desnoyers	162 Pleasant St.
✓ 17.-	<u>Isabel Kurzon</u>	Isabel Kurzon	4 Florence St
✓ 18.-	<u>Nona B. Yarden</u>	NONA B. YARDEN	143 Pleasant St
19.-	<u>Sarah B. Smith</u>	Sarah B. Smith	267 Putnam Ave.
✓ 20.-	<u>Elie Yarden</u>	ELIE YARDEN	143 PLEASANT ST

**Applications and Petitions #3**

A petition was received from John R. Moot, Ellen G. Moot and Cornelia B. Wheeler to amend Section 11.501 of the Zoning Ordinances of the City of Cambridge to extend IPOP to October 15, 2001.

**In City Council January 8, 2001**

*Referred to  
Planning Board  
and Ordinance  
Committee for  
Hearing and  
Report*

*Copy sent  
1-11-01 mc*

Robert Travers, Jr.  
East Cambridge Planning Team  
54 Fulkerson Street  
Cambridge, MA 02140

Mike Delia, Exec. Director  
East End House  
105 Spring Street  
Cambridge, MA 02141

Lydia Vickers  
Area Four Neighborhood Coalition  
45 Cherry Street  
Cambridge, MA 02139

~~Janis Petersen  
Neighborhood for Better Community  
One Broadway  
Cambridge, MA 02139~~

Manny Themea, President  
Pisani Center Tenant Council  
131 Washington Street  
Cambridge, MA 02139

Carolyn Dallas, Exec. Director  
Margaret Fuller House  
71 Cherry Street  
Cambridge, MA 02139

Laura Kerschner  
Ward Five Committee  
97 Henry Street  
Cambridge, MA 02139

Robb Johnson  
Friends of Magazine Beach  
342 Allston Street  
Cambridge, MA 02139

Geneva Malenfant  
Hastings Square Committee  
75 Henry Street  
Cambridge, MA 02139

Stash Horowitz  
Cambridgeport Neighborhood Initiative  
12 Florence Street  
Cambridge, MA 02139

John Pitkin, Chair  
Mid-Cambridge Neighborhood Association  
18 Fayette Street  
Cambridge, MA 02139

John Moos, Chair  
Mid-Cambridge Neighborhood Conservation  
District Commission  
2 Fayette Park  
Cambridge, MA 02139

Les Barber, Director of Land Use & Zoning  
COMMUNITY DEVELOPMENT

Vick Boulrice  
Riverside Neighborhood Crime Watch  
20 Soden Street  
Cambridge, MA 02139

Mary Nichols  
Riverside Community Network  
135 Putnam Avenue  
Cambridge, MA 02139

Lois Jones  
Putnam Gardens Tenant Council  
9 Putnam Gardens #79  
Cambridge, MA 02139

Rosa Haynes  
River-Howard Tenant Council  
2 Mildred Hamilton Place  
Cambridge, MA 02139

Cambridge Community Center  
Dawn Swan, Exec. Director  
5 Callendar Street  
Cambridge, MA 02139

King Community School  
Carol Hill, Coordinator  
100 Putnam Avenue  
Cambridge, MA 02139

Joan Squeri  
Agassiz Neighborhood Council  
118 Pearl Street  
Cambridge, MA 02139

Michael Siegell  
Bellis Circle Association  
33 Bellis Circle  
Cambridge, MA 02140

Terry Delancey, Coordinator  
Agassiz Neighborhood Council  
20 Sacramento Street  
Cambridge, MA 02138

Gladys Gifford  
Harvard Square Defense Fund  
15 Hilliard Street  
Cambridge, MA 02138

Stephen Coren  
Walden St. Bridge Assoc.  
5 Arlington Street  
Cambridge, MA 02140

Porter Square Neighbors Association  
P.O. Box 1016  
Cambridge, MA 02140-1016

John Howard  
8 Cogswell Avenue  
Cambridge, MA 02140

Richard Clarey  
No. Cambridge Stabilization Committee  
15 Brookford Street  
Cambridge, MA 02140

Alan Bell  
Clarendon Avenue Neighborhood Associates  
32 Clarendon Avenue  
Cambridge, MA 02140

Ann Collette  
CPR Neighborhood Association  
50 Creighton Street  
Cambridge, MA 02140

Lucy Connant  
RCMP Neighborhood  
30 Richard Avenue  
Cambridge, MA 02140

Ann Tennis  
Cambridge Highlands Neighborhood Assoc.  
71 Griswold Street  
Cambridge, MA 02138

Patricia Calorio  
Haggerty Neighborhood Council  
20 Holmes Street  
Cambridge, MA 02138

John Moot  
Association of Cambridge Neighborhoods  
44 Coolidge Hill Road  
Cambridge, MA 02138

Cambridge Civic Association  
Ken Carson  
52 Chestnut Street  
Cambridge, MA 02139

Centro Present  
Oscar Chacon, Exec. Director  
54 Essex Street  
Cambridge, MA 02139

Cambridge Haitain Services Collaborative  
Jean Jeune  
19 R Brookline Street  
Cambridge, MA 02139

Mass. Alliance for Portuguese Americans  
Victor DoCouto, Exec. Director  
1046 Cambridge Street  
Cambridge, MA 02139

Chamber of Commerce  
Tom Lucey, President  
859 Massachusetts Avenue  
Cambridge, MA 02139

Business Association of North Cambridge  
Karen Swaim  
Frameworks  
2067 Massachusetts Avenue  
Cambridge, MA 02140

Concillio Hispano  
105 Windsor Street  
Cambridge, MA 02139

Central Square Business Association  
Carl Barron  
614 Massachusetts Avenue  
Cambridge, MA 02139

George Metzger  
HMFH Architects  
120 Bishop Allen Drive  
Cambridge, MA 02139

Cambridge Street Business Association  
Patty Michaels  
66 Otis Street  
Cambridge, MA 02141

Inman Square Business Association  
c/o East Cambridge Savings Bank  
1310 Cambridge Street  
Cambridge, MA 02139

Homeowners Rehab, Inc.  
Peter Daly, Exec. Director  
280 Franklin Street  
Cambridge, MA 02139

Harvard Square Business Association  
18 Brattle Street, Room 256  
Cambridge, MA 02138

Just-A-Start  
Gordon Gottsche, Exec. Director  
432 Columbia Street  
Cambridge, MA 02141

COUNCILLOR KENNETH E. REEVES

COUNCILLOR MARJORIE C. DECKER

COUNCILLOR HENRIETTA DAVIS

VICE MAYOR DAVID P. MAHER

COUNCILLOR MICHAEL A. SULLIVAN

COUNCILLOR TIMOTHY TOOMEY

COUNCILLOR KATHLEEN L. BORN

COUNCILLOR JIM BRAUDE

MAYOR ANTHONY D. GALLUCCIO

Zoning/Building Inspector  
Inspectional Services Department  
831 Mass Avenue  
Cambridge, MA 02139

Somerville Planning Board  
Somerville City Hall  
93 Highland Avenue  
Somerville, MA 02143

Watertown Planning Board  
Town Hall – Main Street  
Watertown, MA 02172

Dept. of Housing & Community  
Development  
1 Congress Street  
Suite 1001  
Boston, MA 02114-2023

Les Barber  
Community Development Dept.  
57 Inman Street  
Cambridge, MA 02139

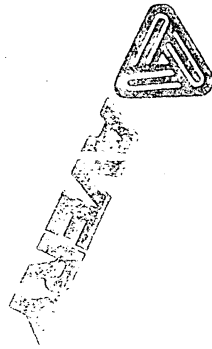
Boston Redevelopment Authority  
City Hall – 9<sup>th</sup> floor  
Boston, MA 02201

Arlington Planning Board  
Town Hall  
730 Mass Ave.  
Arlington, MA 02174

Metropolitan Area Planning Council  
60 Temple Place  
Boston, MA 02111

Belmont Planning Board  
Town Hall  
455 Concord Avenue  
Belmont, MA 02178

Mr. Robert R. Bersani, Mgr. Dir.  
Inspectional Services Department  
831 Mass Ave.  
Cambridge, MA 02139



Public Notice  
Relative to Zoning

**City of Cambridge**

Massachusetts

Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing to consider a proposed amendment to the Zoning Ordinance to consider the Moot, Moot and Wheeler Petition on **Wednesday, February 28, 2001 at 4:30 p.m.** in the **Sullivan Chamber, City Hall, 795 Massachusetts Avenue, 2<sup>nd</sup> floor**, Cambridge, Massachusetts to amend section 11.501 Interim Planning Overlay Special Permit (IPOP) to replace the termination date "Monday, February 12, 2001 inclusive" with "Monday, October 15, 2001 inclusive."

Copies of these petitions are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Kathleen Born  
Vice Mayor David Maher

# City of Cambridge

ORDINANCE COMMITTEE MEMBERS

In City Council April 2, 2001

*Councillor Kathleen L. Born, Co-Chair*  
*Vice Mayor David P. Maher, Co-Chair*  
*Councillor Jim Braude*  
*Councillor Henrietta Davis*  
*Councillor Marjorie C. Decker*  
*Councillor Kenneth E. Reeves*  
*Councillor Michael A. Sullivan*  
*Councillor Timothy J. Toomey, Jr.*  
*Mayor Anthony D. Galluccio*

The Ordinance Committee held a public hearing on February 28, 2001, beginning at 4:57 P.M. in the Sullivan Chamber for the purpose of considering a proposal to amend the Zoning Ordinance to extend the time during which the Interim Planning Overlay Petition (IPOP) is in effect by changing the expiration date to October 15, 2001.

Present at the hearing were Councillor Kathleen L. Born and Vice Mayor David P. Maher, Co-Chairs of the Committee, Councillor Jim Braude, Councillor Henrietta Davis, Councillor Marjorie C. Decker, Councillor Kenneth E. Reeves and City Clerk D. Margaret Drury. Also present were Deputy City Solicitor Don Drisdell, First Assistant City Solicitor Nancy Glowa, and Les Barber, Director of Land Use Planning and Zoning for the Community Development Department.

Councillor Born convened the hearing and explained the purpose. She invited the petitioners to make a presentation.

Stash Horowitz, Vice President of the Association of Cambridge Neighborhoods began with an outline of the order of the presentation. He then introduced Steven Kaiser, 191 Hamilton Street.

Mr. Kaiser submitted a letter for the record (**Attachment A**), and summarized its main points. He stated his preference for the IPOP over the new project review.

Stash Horowitz, 12 Florence Street, stated that he has attended the Planning Board hearings of 20 of the last 20-25 IPOPs that have come through the process. He submitted newspaper articles from the Globe and the Times regarding the new U.S. Supreme Court decision about the EPA's authority. He stated that the IPOP is very significant in that it recognizes that traffic from a particular development can affect neighborhoods across the city.

Mr. Horowitz noted the change in the Project Design provisions in the Citywide Rezoning petition which result from eliminating the word "citywide." Councillor Born noted that this was not a change suggested by the Ordinance Committee. It was part of the recommendation submitted by the Planning Board. Mr. Horowitz said that the language in the Citywide Petition dilutes the citywide protections from traffic. See Sec. 19.211. He urged that the newly adopted Citywide Rezoning Petition be quickly amended.

John Moot, 44 Coolidge Hill Road, Vice President of the Association of Cambridge Neighborhoods continued the petitioners' presentation. He noted that the IPOP is much more precise with regard to measurement of traffic impacts. He also objected to the narrowing of the criteria for measuring the impacts on the local property owners. It is reminiscent of the narrow interests recognized in zoning with regard to who is considered to be an interested party – only abutters and abutters to abutters have standing as interested parties.

Councillor Born inquired as to whether the disparity between the assessment of the traffic impacts in the citywide rezoning and the IPOP was brought to the attention of the Planning Board. Mr. Horowitz said that the change was made by the Planning Board after its public hearing, so there was no opportunity for public testimony.

Councillor Born asked Mr. Barber why the language was changed and whether the language change resulted in looser criteria for measuring traffic impacts.

Mr. Barber stated that the Planning Board understood even under IPOP that in reviewing individual projects, one particular project could not be held responsible for a citywide traffic condition. The Planning Board concluded that a more rational and defensible way to address the citywide traffic impacts was by the citywide FAR reduction in commercial zones. Thus the traffic impacts criteria in the project review focus on the number of vehicle trips and specific intersection impacts generated by the project.

Councillor Born asked if it is the case that the Section 19.21 specifies that the purpose of the traffic review is to ensure that new construction or changes in building use do not impose substantial adverse impacts on city traffic. Mr. Barber answered in the affirmative.

Mr. Kaiser stated that the old IPOP required an assessment of whether the infrastructure could support the additional traffic, while the new zoning talks about substantial impacts.

Councillor Born also noted that other sections of the new ordinance requires assessment of the cumulative impacts. She then stated that with all of the work the Ordinance Committee has before it, in a case where City staff has said that the new ordinance does not decrease the standard of review, it is unlikely that the City council will put a high priority on revisiting what it just enacted.

Mr. Horowitz also noted that Mr. Kaiser's concern that because Memorial Drive is not a public way, the exception in Table 1 for projects more than 100,000 feet from a public way will mean that MIT can build without any project review.

Councillor Born requested that Mr. Barber respond. Mr. Barber stated that Table 1 is the table which establishes when a traffic study is required. The only criteria for traffic review of institutions is whether the project calls for the described increase in

parking spaces. An institution's proposal for a 50,000 square foot or larger project triggers project design review, but not a traffic study.

Mr. Horowitz stated that the ordinance should contain language requiring a finding by the Planning Board that the project does not affect traffic congestion citywide, or if it does, there must be mitigation.

Councillor Born requested information from the City Solicitor with regard to the assertion that Memorial Drive is not a public way and thus projects along it are not subject to the new zoning ordinance because of the exemption of projects of 100,000 feet from a public way.

Councillor Davis stated that 100 feet is just two residential yards deep. She asked what is the rationale for excluding this area from traffic review? Mr. Barber replied that the standard for review of institutional projects vis-à-vis traffic impact relates to increases in parking facilities.

Councillor Decker stated that she had to leave for a Kids Council meeting.

Councillor Born then invited public comments.

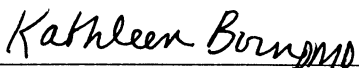
Elie Yarden, 143 Pleasant Street, spoke in support of extension of the IPOP. It was intended to stay in effect until the citywide rezoning was completed. It is far from complete. Mr. Barber himself stated that citywide traffic impacts were to be dealt with by FAR reductions, and those reductions have not yet been made.

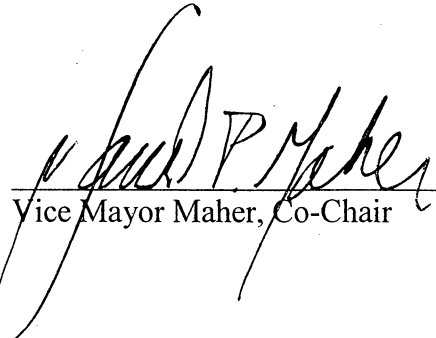
Sheila Cook, 34 Follen Street, noted the limitations of a standard that only considers the interests of abutters and abutters to abutters. Route 2 and Alewife Parkway are already horrendous. She urged continuation of the IPOP until all of the citywide rezoning is passed.

Councillor Born and Vice Mayor Maher thanked those present for their attendance.

The meeting was adjourned at 5:45 p.m.

For the Committee,

  
\_\_\_\_\_  
Councillor Kathleen L. Born, Co-Chair

  
\_\_\_\_\_  
Vice Mayor Maher, Co-Chair

February 28, 2001

Stephen A. Kaiser  
191 Hamilton Street  
Cambridge, Mass. 02139

To : Councilor Kathleen Born, Co-Chair of the Ordinance Committee  
Vice-Mayor David Maher, Co-Chair of the Ordinance Committee

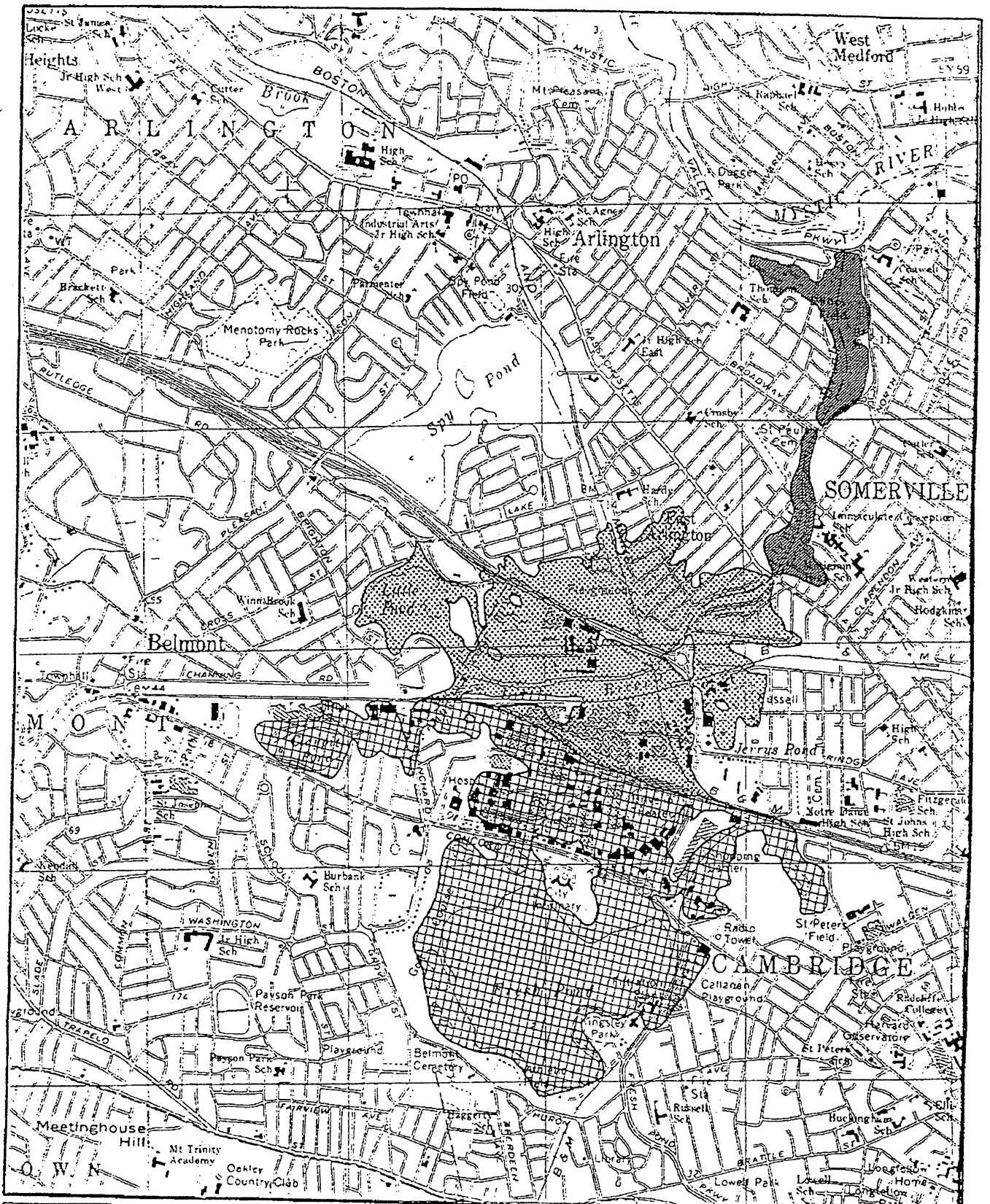
From : Stephen Kaiser , Zoning Consultant, Association of Cambridge Neighborhoods

**SUBJECT: Comments for the February 28, 2001 Public Hearing :  
Extension of Section 11.500 ("IPOP")**

Dear Councilors Born and Maher,

The proposed extension of the IPOP "Term of Effect" from February 12 to October 15, 2001 allows us to review the effectiveness of the IPOP Ordinance as it has been applied over the past two years and compare it with the provisions of 19.000 "Project Review".

- (1). The entirety of the IPOP Ordinance #1209 is contained within 3 pages. The content is reasonably clear and the writing is consistent with zoning terminology in terms of precision, clarity and conciseness. Section 19.000 is diffuse, verbose, vague and sprawling. In many places it reads like an academic discourse on planning concepts, not a guide for zoning.
- (2). IPOP does not promise more than it can reasonably deliver. The requirements for the traffic studies are given generally, as well as the necessary findings. Project Review states in its intent and purpose that it "*establishes detailed building and site development standards to regulate new building construction...*" Unfortunately, the concept of standards is not developed further, and even "guidelines" introduce an element of vagueness and inconsistency to the zoning provisions. Finally, what began as standards appear to be reduced to "indicators" -- which is an undefined term in zoning and appears to mean everything from something to nothing. I regard the extensive use of "indicators" as a perversion of sound and clear zoning. Decisionmakers may need to develop informal guidelines or lists of factors, but replacing standards and clear thresholds with "indicators" in zoning actually works to undermine the overall credibility of zoning.
- (3). The purpose of IPOP is stated with specific reference to the Growth Policy Statement and to "guarantee that the city infrastructure can support potential increases in traffic." 19.000 Project Review makes only a vague reference to the Growth Policy Document and deletes any reference to assuring the ability of city streets to support added traffic.
- (4). Overall, I find the Project Review Section to read like a Master's Thesis in Planning from Harvard or MIT -- comprehensive in its generality, theoretical, vague, discursive, and unrelated to the actual practicalities of working with real-world sites. I would hope that Zoning would provide everyone with a sense of what was allowed and what was not. Section 19.000 fails to achieve this requirement of zoning .
- (5). Neither IPOP not Project Review provides a consistent definition of what a "Project" is. We have failed to deal with issues of segmentation.



**Arthur D. Little, Inc.**

NEW OFFICE FACILITY  
Middlesex County • Cambridge, MA

0' 1000' 2000' 3000'

FEB • 1984

FIGURE 3-15

**100-YEAR FLOODPLAINS**

Downstream

Little Pond to Massachusetts Avenue

Upstream

JASON M. CORTELL and ASSOCIATES INC.

John Moot, 44 Coolidge Hill Road, Vice President of the Association of Cambridge Neighborhoods continued the petitioners' presentation. He noted that the IPOP is much more precise with regard to measurement of traffic impacts. He also objected to the narrowing of the criteria for measuring the impacts on the local property owners. It is reminiscent of the narrow interests recognized in zoning with regard to who is considered to be an interested party – only abutters and abutters to abutters have standing as interested parties.

Councillor Born inquired as to whether the disparity between the assessment of the traffic impacts in the citywide rezoning and the IPOP was brought to the attention of the Planning Board. Mr. Horowitz said that the change was made by the Planning Board after its public hearing, so there was no opportunity for public testimony.

Councillor Born asked Mr. Barber why the language was changed and whether the language change resulted in looser criteria for measuring traffic impacts.

Mr. Barber stated that the Planning Board understood even under IPOP that in reviewing individual projects, one particular project could not be held responsible for a citywide traffic condition. The Planning Board concluded that a more rational and defensible way to address the citywide the traffic impacts was by the citywide FAR reduction in commercial zones. Thus the traffic impacts criteria in the project review focus on the number of vehicle trips and specific intersection impacts generated by the project.

Councillor Born asked if it is the case that the Section 19.21 specifies that the purpose of the traffic review is to ensure that new construction or changes in building use do not impose substantial adverse impacts on city traffic. Mr. Barber answered in the affirmative.

Mr. Kaiser stated that the old IPOP required an assessment of whether the infrastructure could support the additional traffic, while the new zoning talks about substantial impacts.

Councillor Born also noted that other sections of the new ordinance requires assessment of the cumulative impacts. She then stated that with all of the work the Ordinance Committee has before it, in a case where City staff has said that the new ordinance does not decrease the standard of review, it is unlikely that the City council will put a high priority on revisiting what it just enacted.

Mr. Horowitz also noted that Mr. Kaiser's concern that because Memorial Drive is not a public way, the exception in Table 1 for projects more than 100,000 feet from a public way will mean that MIT can build without any project review.

Councillor Born requested that Mr. Barber respond. Mr. Barber stated that Table 1 is the table which establishes when a traffic study is required. The only criteria for traffic review of institutions is whether the project calls for the described increase in

parking spaces. An institution's proposal for a 50,000 square foot or larger project triggers project design review, but not a traffic study.

Mr. Horowitz stated that the ordinance should contain language requiring a finding by the Planning Board that the project does not affect traffic congestion citywide, or if it does, there must be mitigation.

Councillor Born requested information from the City Solicitor with regard to the assertion that Memorial Drive is not a public way and thus projects along it are not subject to the new zoning ordinance because of the exemption of projects of 100,000 feet from a public way.

Councillor Davis stated that 100 feet is just two residential yards deep. She asked what is the rationale for excluding this area from traffic review? Mr. Barber replied that the standard for review of institutional projects vis-à-vis traffic impact relates to increases in parking facilities.

Councillor Decker stated that she had to leave for a Kids Council meeting.

Councillor Born then invited public comments.

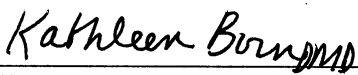
Elie Yarden, 143 Pleasant Street, spoke in support of extension of the IPOP. It was intended to stay in effect until the citywide rezoning was completed. It is far from complete. Mr. Barber himself stated that citywide traffic impacts were to be dealt with by FAR reductions, and those reductions have not yet been made.

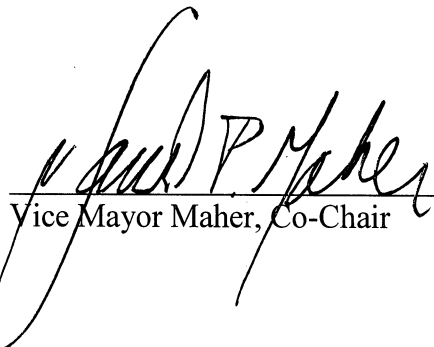
Sheila Cook, 34 Follen Street, noted the limitations of a standard that only considers the interests of abutters and abutters to abutters. Route 2 and Alewife Parkway are already horrendous. She urged continuation of the IPOP until all of the citywide rezoning is passed.

Councillor Born and Vice Mayor Maher thanked those present for their attendance.

The meeting was adjourned at 5:45 p.m.

For the Committee,

  
\_\_\_\_\_  
Councillor Kathleen L. Born, Co-Chair

  
\_\_\_\_\_  
Vice Mayor Maher, Co-Chair

February 28, 2001

Stephen H. Kaiser  
191 Hamilton Street  
Cambridge, Mass. 02139

To : Councilor Kathleen Born, Co-Chair of the Ordinance Committee  
Vice-Mayor David Maher, Co-Chair of the Ordinance Committee

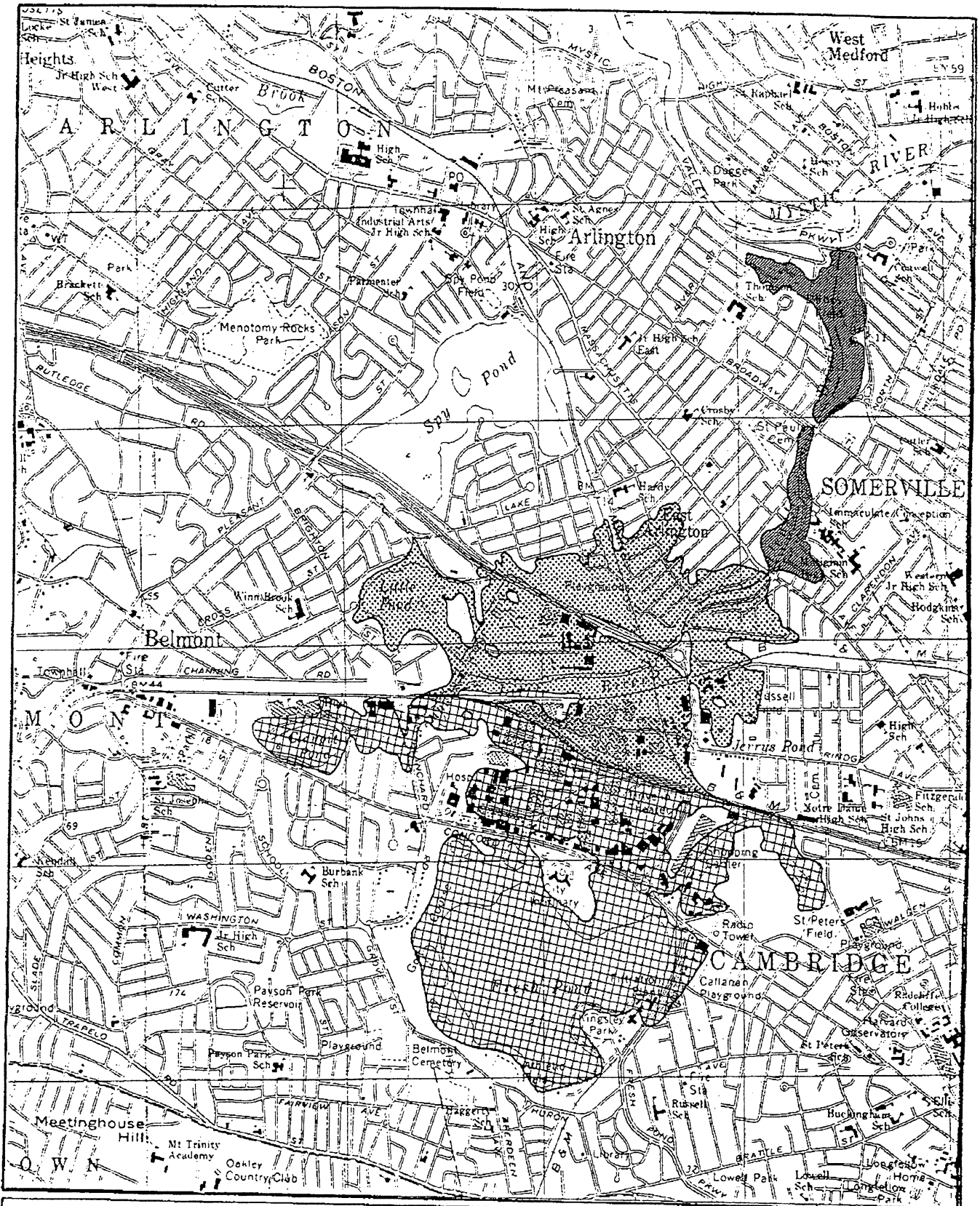
From : Stephen Kaiser , Zoning Consultant, Association of Cambridge Neighborhoods

**SUBJECT: Comments for the February 28, 2001 Public Hearing :  
Extension of Section 11.500 ("IPOP")**

Dear Councilors Born and Maher,

The proposed extension of the IPOP "Term of Effect" from February 12 to October 15, 2001 allows us to review the effectiveness of the IPOP Ordinance as it has been applied over the past two years and compare it with the provisions of 19.000 "Project Review".

- (1). The entirety of the IPOP Ordinance #1209 is contained within 3 pages. The content is reasonably clear and the writing is consistent with zoning terminology in terms of precision, clarity and conciseness. Section 19.000 is diffuse, verbose, vague and sprawling. In many places it reads like an academic discourse on planning concepts, not a guide for zoning.
- (2). IPOP does not promise more than it can reasonably deliver. The requirements for the traffic studies are given generally, as well as the necessary findings. Project Review states in its intent and purpose that it "establishes detailed building and site development standards to regulate new building construction..." Unfortunately, the concept of standards is not developed further, and even "guidelines" introduce an element of vagueness and inconsistency to the zoning provisions. Finally, what began as standards appear to be reduced to "indicators" -- which is an undefined term in zoning and appears to mean everything from something to nothing. I regard the extensive use of "indicators" as a perversion of sound and clear zoning. Decisionmakers may need to develop informal guidelines or lists of factors, but replacing standards and clear thresholds with "indicators" in zoning actually works to undermine the overall credibility of zoning.
- (3). The purpose of IPOP is stated with specific reference to the Growth Policy Statement and to "guarantee that the city infrastructure can support potential increases in traffic." 19.000 Project Review makes only a vague reference to the Growth Policy Document and deletes any reference to assuring the ability of city streets to support added traffic.
- (4). Overall, I find the Project Review Section to read like a Master's Thesis in Planning from Harvard or MIT -- comprehensive in its generality, theoretical, vague, discursive, and unrelated to the actual practicalities of working with real-world sites. I would hope that Zoning would provide everyone with a sense of what was allowed and what was not. Section 19.000 fails to achieve this requirement of zoning .
- (5). Neither IPOP not Project Review provides a consistent definition of what a "Project" is. We have failed to deal with issues of segmentation.



**Arthur D. Little, Inc.**

**NEW OFFICE FACILITY**  
Middlesex County • Cambridge, MA



0' 1000' 2000' 3000'

FEB • 1984

FIGURE 3-15

**100-YEAR FLOODPLAINS**

- Downstream
- Little Pond to Massachusetts Avenue
- Upstream

JASON M. CORTELL and ASSOCIATES INC.

# City of Cambridge

ORDINANCE COMMITTEE MEMBERS

*Councillor Kathleen L. Born, Co-Chair*  
*Vice Mayor David P. Maher, Co-Chair*  
*Councillor Jim Braude*  
*Councillor Henrietta Davis*  
*Councillor Marjorie C. Decker*  
*Councillor Kenneth E. Reeves*  
*Councillor Michael A. Sullivan*  
*Councillor Timothy J. Toomey, Jr.*  
*Mayor Anthony D. Galluccio*

In City Council April 2, 2001

The Ordinance Committee held a public hearing on February 28, 2001, beginning at 4:57 P.M. in the Sullivan Chamber for the purpose of considering a proposal to amend the Zoning Ordinance to extend the time during which the Interim Planning Overlay Petition (IPOP) is in effect by changing the expiration date to October 15, 2001.

Present at the hearing were Councillor Kathleen L. Born and Vice Mayor David P. Maher, Co-Chairs of the Committee, Councillor Jim Braude, Councillor Henrietta Davis, Councillor Marjorie C. Decker, Councillor Kenneth E. Reeves and City Clerk D. Margaret Drury. Also present were Deputy City Solicitor Don Drisdell, First Assistant City Solicitor Nancy Glowa, and Les Barber, Director of Land Use Planning and Zoning for the Community Development Department.

Councillor Born convened the hearing and explained the purpose. She invited the petitioners to make a presentation.

Stash Horowitz, Vice President of the Association of Cambridge Neighborhoods began with an outline of the order of the presentation. He then introduced Steven Kaiser, 191 Hamilton Street.

Mr. Kaiser submitted a letter for the record (**Attachment A**), and summarized its main points. He stated his preference for the IPOP over the new project review.

Stash Horowitz, 12 Florence Street, stated that he has attended the Planning Board hearings of 20 of the last 20-25 IPOPs that have come through the process. He submitted newspaper articles from the Globe and the Times regarding the new U.S. Supreme Court decision about the EPA's authority. He stated that the IPOP is very significant in that it recognizes that traffic from a particular development can affect neighborhoods across the city.

Mr. Horowitz noted the change in the Project Design provisions in the Citywide Rezoning petition which result from eliminating the word "citywide." Councillor Born noted that this was not a change suggested by the Ordinance Committee. It was part of the recommendation submitted by the Planning Board. Mr. Horowitz said that the language in the Citywide Petition dilutes the citywide protections from traffic. See Sec. 19.211. He urged that the newly adopted Citywide Rezoning Petition be quickly amended.

1245

**Committee Report #1**

Committee Report from Councillor Kathleen L. Born and Vice Mayor David P. Maher, Co-Chairs of the Ordinance Committee for a meeting held on February 28, 2001 for the purpose of considering a proposal to amend the Zoning Ordinance to extend the time during which the Interim Planning Overlay Petition (IPOP) is in effect by changing the expiration date to October 15, 2001.

**In City Council April 2, 2001**

*Report Accepted*