

March 6, 2003

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

To : Cambridge Planning Board
From : Stephen H. Kaiser

SUBJECT: PUD Draft Decision #179 for NORTH POINT

The draft PUD decision for North Point (dated February 14, 2003 and reviewed by the Planning Board at its meeting of March 4) offers a chance to look back at the whole process and to consider how we ended up where we are now. The PUD time limits on the final decision clearly will not allow the Board a chance to reflect on what has or has not been accomplished. So I will simply list some of the problems and issues which have been inadequately discussed or implicitly assumed as part of the process :

1. There has been no discussion of why Cambridge has planned and then been forced to endure its failures in modern "clear-site" development, as represented by the three examples of Kendall Square, Alewife and University Park. All three have been criticized for lacking a human scale or a human touch, the vital elements which make a neighborhood or a community. Yet at North Point we appear to be proposing more of the same. [John Moot has testified consistently and eloquently about the need for a full range of community services for the expected North Point population of 5,000 people. Yet there are no schools, no churches, no community centers, no police, no fire stations. His comments have not been rewarded with the attention they deserve.]
2. There are many unresolved issues relating to the Cambridge-Somerville boundary, the location of state tidelands and the incompleteness of the PUD application with respect to land ownership. Of the 38 acres in Cambridge, the PUD application identifies only those lands claimed to be owned by the B&M railroad. Some land areas are double-counted, because in 1958 the railroad sold 21 acres to Alice Keating and less than two years later bought it back. Private tidelands are undocumented. Without legal documentation, the PUD application claims ownership of 5 acres of Commonwealth tidelands, 2.5 acres of the Mac-Gray property and 3 acres of MBTA land. Another 3 acres of MBTA land is not documented. Section 12.34.3(1)(a) requires a "legal description of the total development parcel proposed for development, including exact location and a statement of present and proposed ownership." Such legal requirements were not completed. This omission alone justifies rejection of the PUD application.

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3. The North Point plan remains a "Big Block" development proposal which is little more than the transformation of the "Big Box" retail concept in modern housing and office applications. Here we have 20 blocks with only 20 buildings proposed. We should have had a proposal for at least 200 buildings or even a thousand. The excessive size of the buildings reflects the common tendency among architects to disconnect with ordinary mortals on what human scale should be. When the architect for the original World Trade Center Towers was asked why he proposed two 100-story towers rather than one 200-story tower, he replied that he "wanted to keep a human scale." Height is only one factor in the equation. Squashing buildings while retaining bulk (as occurred at University Park) is just as ineffective at creating humane urban settings as the sterile high rise of Kendall Square.
4. Our failure to create humane modern neighborhoods is more than the insensitivity of the architects: the streetscapes are often puerile, with the worst example being Broadway at Kendall Square. Our transportation engineers have failed to provide human streets and pedestrian environments. Kendall Square is a model for demonstrating how having either large or minimal building setbacks fails to enhance the street-level experience. With such austere settings of streets and buildings, a desperate attempt has been made to respond to public protest by engaging landscape architects to soften the harshly engineered edges, as if the magic of a little green will nullify the more "brutalistic" aspects of our urban design. Again, University Park is a prime example of what can go wrong: the central green area surrounded by modern buildings does not become "enlivening". The dead frontage and related failure to make the central common area into a desirable place for people makes it a model for design failure, the way Post Office Square park is a model for success. I see no reason why the large green space in the middle of North Point will be any more successful than University Park.
5. In recent decades, Cambridge has overbuilt offices and underbuilt housing. We should be exalting each housing success (like Auburn Court), but instead we ignore the obvious message in favor of behemoth structures like the Charles Smith housing -- and the housing proposed by the North Point developers. Housing is an essential element in successful new communities, and we must avoid the isolating and alienating aspects of modern monolithic housing.
6. We appear destined to fail when we leave the responsibility for implementing new communities to architects, engineers and landscape designers. We need to include that elusive human element which makes for successful communities. This task should be within the province of the planners, but they have failed us too.
7. We should have learned many lessons from the experience of urban renewal, and especially Boston's West End, which we can see so clearly from East Cambridge. Most books have stressed the stable community which was wiped out by the planners, but few have dealt with the dismal architecture and isolating form of

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"community" that has replaced it. Something has gone terribly wrong with the way we design cities. Why has no one offered the idea of duplicating at North Point the existing East Cambridge residential neighborhood? Today, the planners' values appear to be an implicit condemnation of the existing neighborhood. Instead we get the imposition of "Big Box" architecture. We have adopted an assembly line ideal for our living spaces, and I think it is wrong.

8. The one area which was least adequately handled by the Planning Board was traffic. Unfortunately there is no member with particular traffic expertise and no testimony from any city staff with traffic expertise. The consultant team, with one notable exception, did not bring traffic expertise to the table. To the best of my recollection, city consultant Barry Pell from Rizzo did not attend any of the Planning Board meetings, and no Board member asked for any commentary from him. There was no coming to terms with the fact that -- even with all of the transit and traffic "mitigation" -- there will still be 5,000 parking spaces and 16,000 daily vehicle trips from the site. The Land/O'Brien bottleneck was studiously avoided except for the proposal to squeeze in five 10-foot lanes on the Gilmore Bridge. The roadway changes involve work on MDC roadways, and there is no indication that the MDC has even been consulted, let alone agrees to any of it.

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The above 8 points highlight my dissatisfaction with the entire process and zoning/planning concept at North Point. My detailed comments follow, with page references based on the February 14 draft.

The February 14 draft discussed at the Planning Board meeting of March 4 does not include any of the suggested changes offered in the February 26 CDD draft, which apparently the Board has not seen and clearly has not discussed. Numerous detailed modifications have been suggested in the Feb. 26 staff draft.

Page 5 ... Supplemental documents dated "November 22, 2003" should probably be "2002".

... Applications and Findings : While applications have been filed for both PUD and Project Review special permits, it should be made clear that this document makes findings on the PUD application only.

Page 6 ... Principal Finding that the "*development as set forth.. is fully consistent*" with the purpose and intent of the North Point PUD district. The description of the property and its ownership is so incomplete that any claim of being "fully consistent" is in error.

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... The conclusion that the development "*will create a new residential community in which office and retail activities will play a prominent role in supporting the residential population*" raises the question : if the development does not achieve this prominent supporting role, will it be in violation of the special permit? How will the desired results be monitored and enforced?

Page 9 bottom ... The redesign of O'Brien Highway [*"intended to facilitate the crossing of the Highway by pedestrians, to slow the flow of traffic to make that possible..."*] is a description of intent, and not a finding that such a result will actually occur. I see the intersection design here as not reducing existing vehicle speeds at all, and possibly increasing them. Opportunities to increase pedestrian crossing time here (to deal with the vastly increased pedestrian volumes) have been ignored. This failure to maximize pedestrian crossing time is the single most unwise and unsafe design element of the entire North Point project.

Page 10 item c. line 3 The word "*not*" should probably read "*now*". There is nothing in the PUD application or the Planning Board's discussion or findings which indicates what "*pedestrian friendly*" is. It reminds me of the computer term invented in the early 1980s "*user-friendly*."

... 4a. line 7. The finding that "*The range of uses is positive, as it will create a vibrant, active neighborhood*" is unjustified, as described earlier. There is nothing in the current design which would provide any assurance that North Point will become a "*vibrant, active neighborhood*."

Page 12-13 "issues and concerns" (1) to (8). In the old days these items would be listed as conditions and have some teeth in them. As the wording now stands, everything is mushy and has no compelling substance. It is not enough to ask that the Board "*will want to be assured*" on any issue. Why does a developer need to feel inhibited by these "concerns" as they might be articulated by either CDD or members of the Board? What prevents the developer from saying that none of this is binding and the city's planning concerns can be stonewalled just as citizen comments have been during the process?

... (8) [Added to Feb. 26 Draft] "*special efforts should be made to ensure that future buildings are human-scaled, warm and inviting, particularly for pedestrians.*" How is this goal achieved? One such "special effort" would be to abandon the Big Box architectural style and create a much finer grained community -- totally different from what is proposed.

... page 14 i. Traffic. There is no justification for any of these findings.

... (k) Above-ground parking : "*a significant amount of accessory parking will be provided along the a live rail corridor at the northern edge of the site in above-*

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ground parking structures.” However Section 13.79.2 states that the garage must be located “adjacent to the Somerville municipal boundary line.”

The draft PUD decision says nothing about the Somerville boundary line, and for obvious reasons -- the proposed garages appear to abut the MBTA property line, not the boundary line shown. The boundary line shown is in no way a legal or official boundary line of the city, and is in stark contrast with the straightened boundary which was used by the Planning Board during its rezoning efforts for ECAPS. We still do not know where the boundary is, and even the line shown in the North Point maps (“very wavy”) shows the parking garages to be in violation of 13.79.2. Therefore, the proposed exemption 4(k) on page 14-15 is potentially illegal, and any approval of it by the Planning Board would require legal appeal and reversal in order to comply with 13.79.2.

.... (k) “... including those buildings in Boston also abutting the Somerville line.” According to the “wavy line” boundary, there are no buildings in Boston which abut the Somerville boundary. They abut the Cambridge boundary. Because 3.79.2 is limited to exemptions along the Somerville boundary, any above-ground garages in parcels G and H would not be allowed, since they are not adjacent to the Somerville line.

.... (k) as written, the exemption would allow for above ground garages along the entire northern edge of the site, including blocks A,B,C,D,E,F,G and H. Such an exemption would appear to cover about 40% of the developable parcels at North Point. This precedent is unfortunate, and every new developer in the city would seek such exemptions for above-ground parking, even by variance, because the North Point developers got theirs.

Please note that the problems with this particular item are due to the refusal of the Board to discuss the boundary issue in any way beyond passing humor.

.... (l) Added GFA for non-residential

The Board cannot justifiably claim that “there will be no adverse impact on city streets as a result of traffic generated by the Master Plan.” It is one thing to render a judgment call about what is or is not “significant,” and as a judgment call even large increases can be ignored by considering them to be not “significant.” In this case the judgment is that the added FAR : “shall not create a more adverse impact upon traffic...” Any adverse impact anywhere would be a violation of this provision.

Note also that the finding refers to the requirement that the proponent demonstrates, through the Project Review Special Permit process, that the added

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GFA will be acceptable, and we have not completed the Project Review process, nor do I recall any discussion of the independent effects of the added 0.26 FAR impacts during any of the written or oral presentations by the developer. Therefore, the legal requirements of 13.79.3.(3) have not been met, and if approved by vote of the Board would justify appeal and reversal.

... (m). *Moderate Income housing and provision of a sports facility?* What is the intent of this incomplete section? How much moderate income housing? How do we prevent North Point from become either a Yuppie ghetto or an absentee community (like Museum Towers)? What do we make of a community which is virtually devoid of children? What do we mean by sports facility? This could open up a loophole for a new stadium of some sort.

... page 16 first bullet. How can the Board make a finding that North Point will become "*useful even to those residents of the city who will not live there*"? Why would I or anyone else want to go there? How would we in any way find the insular and limited activities "useful"?

... page 21 7c : "*The redesign of O'Brien Highway promises to ... weave North Point and East Cambridge together as a single, seamless neighborhood.*" Again, there is no justification of this claim as a "finding" by the Board. O'Brien Highway is retained as a 6-lane highway, with more traffic than today, so we will still have this road, now serving as an even worse traffic barrier.

Overall, I am not an enthusiast for Ken Greenberg's ethereal commentary during the review process, but at the end he offered us some remarkable imagery during his criticism of any pedestrian bridge at Lechmere, because it would make O'Brien Highway into a "*traffic sewer.*" Well, what is O'Brien Highway today? And what will its future be? Now we have to deal with the concept of O'Brien Highway as a traffic sewer, and how to we get pedestrians across it. I wish someone had engaged Ken Greenberg and the development team in trying to come up with more inventive ways of reducing the traffic barrier/sewer realities of O'Brien Highway, but it never happened.

Generally, I was disappointed in the inability of the Board and CDD staff to challenge and stimulate the design team to do more. All of us needed the benefits of looking at more alternatives and seeking more variation in design and concept at North Point.

... Page 22 second para.... "*Recent residential and office development in North Point to the east of the Gilmore Bridge set a precedent for residential development in tall towers.*" This statement is very ambiguous -- I would say that it set a bad precedent. I have never heard any citizen from East Cambridge refer positively to Museum Towers. The scale and architecture are seen as wrong. So why are we

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doing more of it?

page 22 third para ... *"The Master Plan will contribute to the relocation and upgrading of the Lechmere Green Line Station ..."* More accurately, the plan would require the developer to relocate the station. Where are the requirements in this PUD permit that stipulate that the developer will pay for the MBTA relocation? *"making that facility more user friendly"* We should be looking closely during design review as to what the planners mean by "user friendly."

... page 25 Master Plan. Approval of the Master Plan in Cambridge implies that City officials know where the boundary line is, which they do not.

.... [Feb. 26 version p. 26 items a and b] the references dates of November 22, 2003 should probably read "2002."

... page 30 5d. Granting of an occupancy permit is contingent upon receiving a permit from the MDC to make access changes to the Gilmore Bridge. This concept was badly misused during the Cambridge Research Park deliberations, and I supported Lyme's protest against such a procedure then, and I would urge that no such condition be placed on NPLC now. Similarly page 30 items e(ii) through (v) all require approvals by the MDC and are subject by this draft to restrictions on building and occupancy permits.

... Page 33b second para. .. *"At final approval the metes and bounds of the block ... shall be established."* How can this be done if we do not even know the metes and bounds of the total development parcel and the various subparcels which comprise it?

.... Review Standards..... Insert word "by" between *"guided"* and *"the."*

.... page 34 (d) What is meant by *"particular attention"*? Who is expected to be paying this attention?

... page 38 (vi) reference to the Board's ability to permit conversion of GFA in Block E should be deleted, since this block is entirely in Somerville, according to the "very wavy" line boundary. If one uses the more authoritative 1830 Hales map boundary, E can be retained. It would appear that the combination of above-ground parking exemptions and any conversion of A,B,C,D,E,F I and J to non-residential uses could result in the "North Point Residence District" becoming almost entirely non-residential. There is no comparable Minor Amendment provision to convert office parcels to housing. Section (vi) should be deleted in its entirety.

... Page 41 16. Subdivision. The Planning Board cannot approve the subdivision of block E, because it is entirely in Somerville, according to the "very wavy" line

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boundary. Thus the Board is limited to approval of partial blocks judged to be within Cambridge by the "very wavy" boundary : A, B, C, D, E, F, G, H, K and L. Why does the Board not use the more authoritative Hales mapping boundary? How can the Board "approve" the subdivision "as approved"? Is this a redundancy or are there two approvals?

.... Page 42 18 Para 2. The detailed concerns for bicyclists are well spelled out, including consideration of all design options. Similar wording should apply to pedestrians as well, and should include provisions for pedestrian exclusive phases.

.... 18 c "*substantially reducing the walk distance and comfort*" Clearly it is not the intent of anyone to reduce the comfort for pedestrians. A rewording is needed here.

.... Page 43 Vote to grant.... This format, however traditional, carries an implication that a unanimous vote in favor of the project is anticipated, with no allowance for dissent. It would be better in the future to simply list those Board members who are eligible to vote on the special permit.

... Page 43 bottom "*decision #175*" should be #179.

... Page 46 B. Cambridge. All of the calculations for areas in Cambridge appear to presume the "very wavy" boundary. Did the original data come from the developers? Has anyone on the Board or at CDD checked the numbers? Because the original property description by the B&M was so woefully incomplete, I would be disinclined to trust any of these calculations without a full check of all the assumptions.

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I support Dennis Carlone's added text which urges that "*all efforts shall be undertaken to make new structures as human-scaled, and inviting as possible.*" Any serious application of this criterion could result in a total rework of the current "Big Box" design format.

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Not all of our problems are derived from this PUD application. I was very disappointed in the actions of both the Board and the City Council in not adopting some form of transit-incentive zoning, to include making transit more accessible for people on the South side of O'Brien Highway. The ECAPS process never dealt with traffic bottlenecks. The ECAPS final report is highly uninformative, leaning heavily in the direction of soft fluff.

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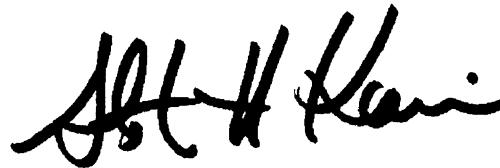
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The entire rezoning of North Pointy was based on erroneous and illegal mapping, based on the straightened boundary will has pervaded almost all city mapping since 1998. Although this straightened boundary has been abandoned by city officials in favor of the "very wavy" line, its sins continue to haunt us, as is shown by the attached diagram of the Building Heights Regulation Map from ECAPS. The designated area of 150 to 220 ft heights is defined along its northerly edge as following the Cambridge/Somerville/Boston line, but with the "very wavy" boundary concept two complications develop : the 120' height area would be cut off by the boundary line, resulting in City of Cambridge zoning which limits building heights to 120' within a section of the City of Somerville. Of course, this is illegal.

Here again, the city's failure generally to deal with the boundary issue, including the historical and practical weaknesses of the "very wavy" line proposal is creating severe legal and procedural problems at North Point. The solution is a tough one, but I see no other clean way out.

RECOMMENDATION : We should get state legislation to define a clear boundary between Cambridge and Somerville -- spanning the distance from North Point to the Twin Cities Mall along the old channel of the Millers River. The immediate question is this : can the Planning Board recognize the need for legislation to resolve the boundary problem at North Point? Has the Board received any legal advice from the City Solicitor on this matter? If not, the Board should seek such advice.

Sincerely,



Stephen H. Kaiser, PhD
Traffic & Transportation Engineer

cc. Assoc. of Cambridge Neighborhoods
Cambridge Community Development
Cambridge City Engineer
Somerville Planning Department
Spaulding & Slye
Adams & Rafferty
Dennis Carlone
City Clerk/City Council

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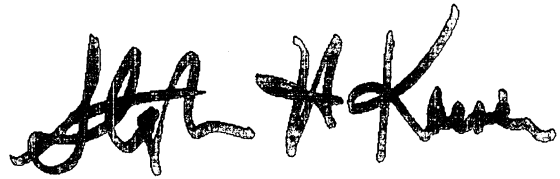
Stephen H. Kaiser
191 Hamilton Street
Cambridge, Mass. 02139

To : Margaret Drury, City Clerk
From : Stephen H. Kaiser

SUBJECT: Submission for City Council Package

Please include the attached letter to the Planning Board within the next package for the City Council. Thank you.

Sincerely,



Stephen H. Kaiser

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MAR-07-2003 10:11 AM ST

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Communication #6

A communication was received from Stephen H. Kaiser, regarding PUD Draft Decision #179 for North Point by the Cambridge Planning Board.

In City Council March 17, 2003

PLACED ON FILE.