

To: The Honorable, the City Councillors

April 22, 1998, p. 1 of 9

#18

From: The Cambridgeport Neighborhood Initiative (CNI)

Co-chairs: Daphne Abeel, Gordie Fellman, Stash Horowitz, ~~Stash~~
Anastasia Leotsakos, Laurie Taymor-Berry, Maureen VanStry, Elie Yarden

For: City Council meeting of April 27, 1998

Attached is the first part of a recent submission to the State Board of Building Regulations & Standards, plus some related documents referred to, which you have not previously received.

It reflects our concern that proper procedures and due process have not been followed, in matters relating to two curb cuts to be used to carry all the traffic (over 3000 daily vehicle trips/day in & out) for a 577-car garage for the proposed Spaulding & Slye development, called now 784 Memorial Drive LLC.

RECEIVED BY
CITY OF CAMBRIDGE
APR 23 1998
CITY CLERK
CITY OF CAMBRIDGE

subsequent to failure to notify abutters in advance,
The proponent has, subsequent to PWD changing its approval by voiding its signature on the curb cut relocation application, & subsequent to the need for a public tree removal hearing (MGL Ch 87, Sec 3), & subsequent to the need for another MWRA 8M permit (this one for construction), withdrawn its request for curb cut relocations to safer, conforming (with Zoning Ordinance) locations. By so doing, proponent has broken its agreement with the City in its Feb. 5, 1998 letter to the Manager, offering to relocate these curb cuts, if the City's ISD issues a building permit for the garage.

Clearly, the City should now revoke this permit.

RECEIVED CNI, 4-22-98
p. 2 of 9
98 APR 22 PM 3:24

12 Florence Street
Cambridge, MA 02139

April 22, 1998

Tom Rogers, Chief of Inspection
State Board of Building Regulations & Standards
1 Ashburton Place, Rm 1301
Boston, MA 02108

Dear Mr. Rogers,

The Cambridgeport Neighborhood Initiative (CNI) is a group of over one hundred abutters and near-neighbors to the 784 Memorial Drive Site, which was formed in September, 1996, in response to the future of that six-acre parcel, and recognized as a Neighborhood Association by the City.

Currently proposed is 300,000 sq ft of office space (which includes the restoration of a 45,000 sq ft historic building), a 577-car garage, and 30 units of housing to be built on a part of the site which will be sold to another developer.

784 Memorial Drive LLC is a partnership of Spaulding & Slye Real Estate Service Co., Inc. and Polaroid Corp., which on December 30, 1997 registered a purchase of this property for \$10.5 million from Polaroid. Spaulding & Slye is the prime owner and proposes to build two office towers, totalling 240,000 sq ft.

Please see the attached drawing of the proposal, provided to us by Spaulding & Slye and their architect, Cannon Associates, in May 1997. (The labeling on the drawing is ours.)

We are approaching you for information about the manner in which 780 CMR: State Board of Building Regulations & Standards: The Massachusetts State Building Code is applied to the issuance of building permits, and in particular, about its relation to local zoning ordinances, regulations and procedures.

We have concerns regarding the proper issuance of the building permit for the planned garage as it relates to sections of the State Building Code (including Sections 110, 111, 122) and City of Cambridge Zoning Ordinance.

Specifically, we cannot understand why the City of Cambridge's Inspectional Services Department (ISD) issued a building permit for the garage on February 5, 1998, in violation of two requirements of the city's Zoning Ordinance.

In a letter to the City, dated January 8, 1998, the Commissioner of ISD states that the Cambridge Zoning Ordinance (Article 9, Section 9.12) "requires all building permits to be issued only when the provisions of the Cambridge Zoning Ordinance have been met."

Two letters sent to the ISD Commissioner in August, 1997, advised him of the non-conformity and unsafe conditions of the two curb cuts to be used for this parking garage (one on Putnam Avenue, the other at the intersection of Pleasant and Florence Streets).

According to City of Cambridge Zoning Ordinance, Section 6, both of these curb cuts are non-conforming, one because it is at an intersection, the other because the view of oncoming traffic is obstructed by a city shade tree on the sidewalk.

Section 6.4.3.4c requires clear visual access to traffic and the City's traffic consultant for this project, Rizzo Associates, labeled this curb cut (on Putnam Avenue) unsafe. Page 3 of Rizzo Associates' report to the City says, "The site access shown on Putnam Avenue is inadequate and unsafe." Page 5 recommends its relocation "... away from Pleasant Street to the site's property line." The City's Director of Traffic, Parking & Transportation, in a January 27, 1998 letter says "... the Department finds the use of the Putnam Avenue curb cut in its present location as unsafe access to the new parking garage," and urges relocation to the property line before the Department would accept the use of this curb cut.

RECEIVED BY
OFFICE OF CITY CLERK

CNI, 4-22-98
p. 3 of 9

98 APR 22 PM 3:24

On the very day that the garage building permit was issued, February 5, 1998, the proponent agreed not to use the existing Putnam Avenue curb cut for exit or entry. (See proponent's notation on plans)

On that very same day, as well, the proponent applied for relocation of both existing curb cuts to safer locations.

Subsequently, irregularities were pointed out in both notification of abutters and City departments' approvals, in the absence of a hearing to remove a city shade tree, as required by MGL Chapter 87, Section 3. On February 25, one City Department (Public Works) voided its approval on the curb cut relocation application, citing issues that had been raised. (See letter from City Engineer).

On March 31, the proponent withdrew the application for the relocation of both curb cuts, citing the above mentioned irregularities as one reason (See attached letter.)

Withdrawal of the application for curb cut relocations leaves the project with two non-conforming and unsafe existing curb cuts, according to City of Cambridge Zoning Ordinance. **Why was the garage building permit not withdrawn at this time?**

The City Administration's response has been that the unsafe curb cut on Putnam Avenue will not be used, and that the curb cut at the intersection of Pleasant and Florence Streets is not at an intersection since it is at a T-intersection. City of Cambridge Zoning Ordinance and State Highway regulations require that curb cuts (especially with such a large volume of projected traffic) be at least 25 ft or 40 ft, respectively, from an intersection. A traffic engineer has analyzed this T-intersection argument and finds it without merit. (See attached letter dated March 23, 1998)

Based on that letter, we believe that a T-intersection is indeed an intersection, and that therefore this curb cut is at an intersection, and has no grandfather status for the new large project. Since the proponent has withdrawn both curb cut relocations, reverting to existing non-conforming and unsafe curb cuts, in violation of City of Cambridge Zoning Ordinance, Section 6.4.3.4 b and c, the building permit for the garage (whether using one or both of the existing curb cuts) should be withdrawn.

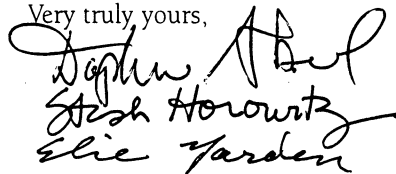
We agree with the City's earlier position as stated in the January 8, 1998 letter of Cambridge's ISD Commissioner referred to above, that **resolution of these curb-cut matters must be accomplished before a valid building permit can be issued.**

Also enclosed as general background information, are a March 9, 1998 Boston Globe editorial, several Cambridge City Council Orders, and a letter from the Chief Public Health Officer of the City about community concerns relating to traffic and environmental hazards.

Finally we draw to your attention a letter from all four State Representatives from Cambridge urging all State agencies involved with this project to act in such a manner as to reassure the community that proper procedures and safeguards have been followed.

We thank you for your attention and information. We reserve the right to submit a more formal protest if such seems warranted.

Very truly yours,



Daphne Abeel, Stash Horowitz, Elie Yarden
Co-Chairs, Cambridgeport Neighborhood Initiative

tel: (617) 491-1534, (617) 491-5350, (617) 491-3410

Spaulding & Slye

Comprehensive Real Estate Services

RECEIVED BY

98 APR 22 PM 3:25

CAMBRIDGE MA.

CNI, 4-22-98
p. 4 of 9

March 31, 1998

Mr. Robert Bersani
Commissioner
Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

RE: 784 Memorial Drive

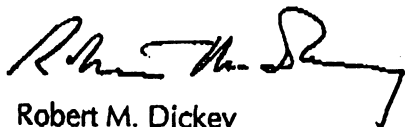
Dear Commissioner Bersani:

On behalf of Spaulding & Slye and the Polaroid Corporation, I am hereby postponing the application for the relocation of two (2) existing curb cuts at 784 Memorial Drive: the Putman Avenue driveway and the Pleasant Street driveway (opposite Florence Street). The application was filed with your office on February 5, 1998 and is currently pending Department of Public Works (DPW) approval. The aborist has scheduled a public hearing on the tree removal at Putman Street for April 7, 1998. The ownership has decided to postpone the application for two primary reasons:

1. Several residents and abutters in the Cambridgeport neighborhood have expressed concern over the timing of the abutter notification process. The permit application was filed and reviewed by several City departments prior to formal abutter notification and response.
2. We are negotiating with a large user for the project who has different traffic patterns and generates lower peak volume than the full build-out assumed in Vanasse & Associates *Traffic Review and Access Study* issued to the City of Cambridge in November 1997.

Together with our traffic engineer, we will continue to participate in the ongoing traffic meetings at the City which include representatives from CDD, TP&T, CNI, and Rizzo Associates to collaborate on ways to improve existing traffic conditions around the site. Additionally, we have submitted a TDM proposal to the City on which we are awaiting comment.

Sincerely,



Robert M. Dickey
Vice President

cc: Robert Healy, City Manager
Susan Schlessinger, CDD
Susan Clippinger, TPT
Charles Sullivan, CHC
Ann Daughaday, DPW

The site plan shows a property with several features:

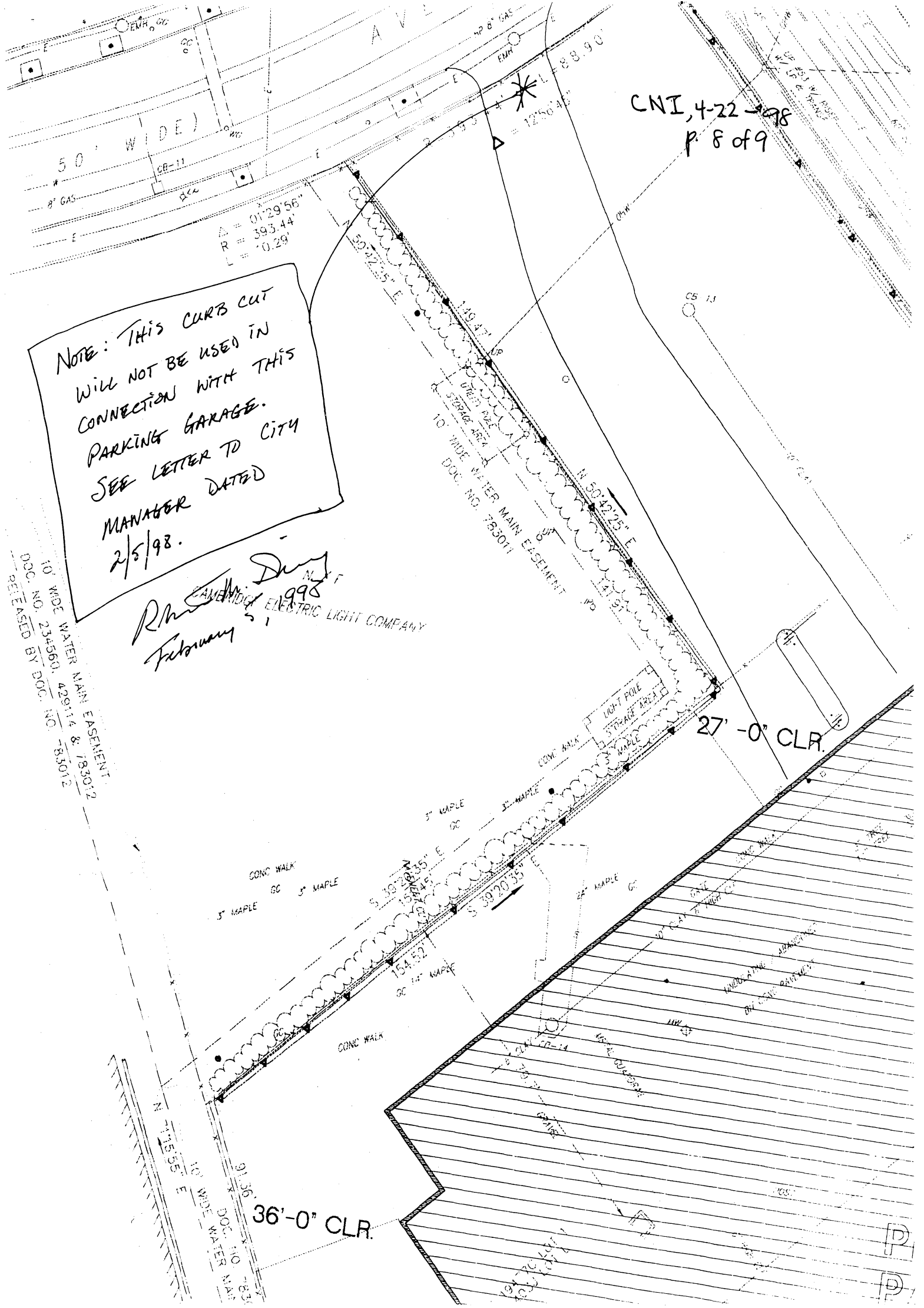
- Top Boundary:** Labeled "10" CLAY" with a north arrow pointing towards the top-left.
- Left Boundary:** Labeled "N 50° 42' 25" E".
- Internal Features:**
 - "CURB CONC. DRIVEWAY" and "YELLOW CENTERLINE" are shown in the upper left.
 - "CURB" is labeled at the bottom left.
 - "MAIN EASEMENT 83011" is shown as a dashed line with a width of "141.91'".
 - "LIGHT POLE STORAGE AREA" is located near the bottom center.
 - "7' HIGH METAL GUARDRAIL" is shown along the right side of the storage area.
- Proposed Area:** A large area on the right is labeled "PROPOSED PARKING GARAGE".
- Other Labels:** "CB-15" is at the top right, and "PANY" is at the bottom left.

CNI, 4-22-98
P 8 of 9

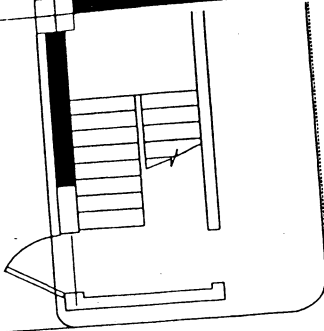
NOTE: THIS CURB CUT
WILL NOT BE USED IN
CONNECTION WITH THIS
PARKING GARAGE.
SEE LETTER TO CITY
MANAGER DATED
2/5/98.

R. M. Ding
CAMELION ELECTRIC LIGHT COMPANY
February 1, 1998

10' WIDE WATER MAIN EASEMENT
DOC. NO. 234560, 429114 & 783012
RELEASED BY DOC. NO. 783012

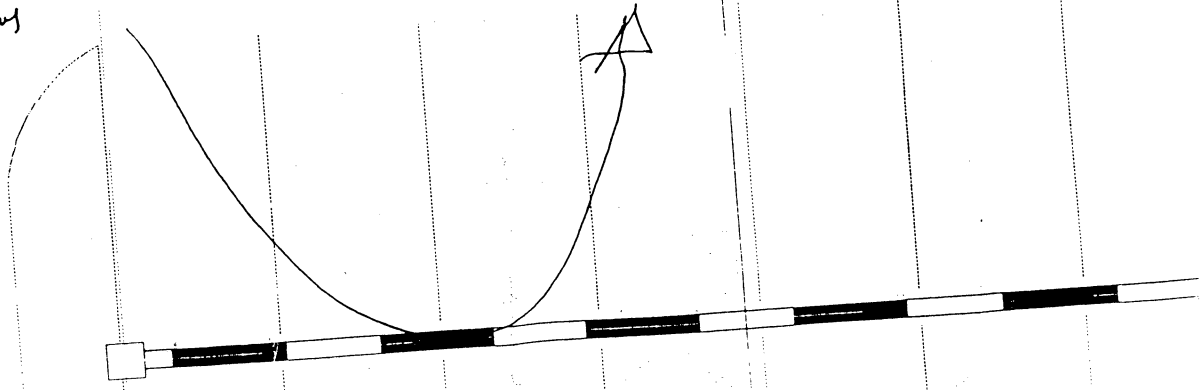


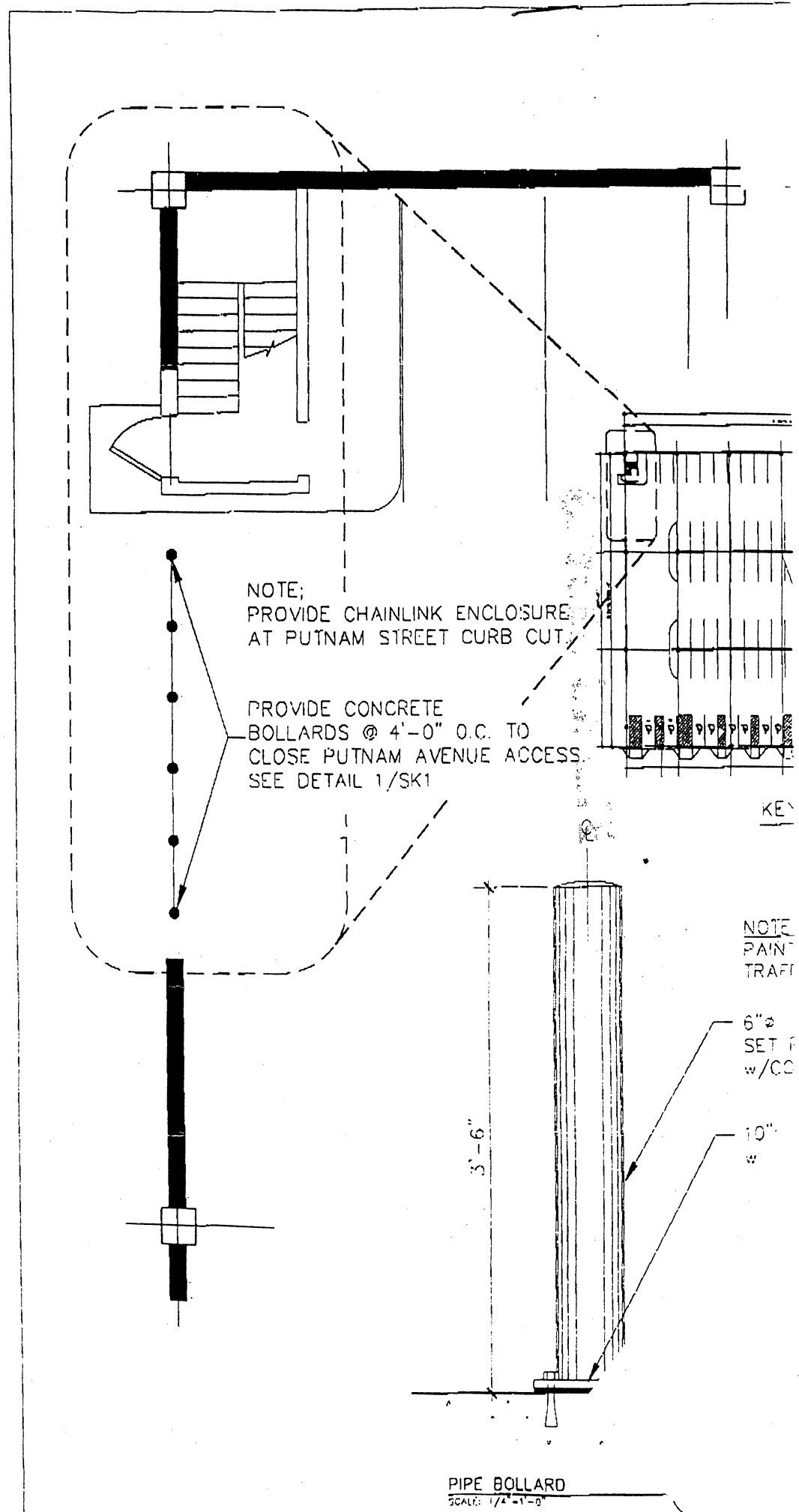
CNI, 4-22-98
p. 9 of 9



THIS EXIT WILL NOT
BE USED IN CONNECTION
WITH THIS PARKING
GARAGE.

Don M. Quinn
February 5, 1998





Consent Communication #18

S-295

A communication was received from
the Cambridgeport Neighborhood
Initiative (CNI) transmitting in-
formation sent to the State Board
of Building Regulations and
Standards regarding 784 Memorial Dr.

In City Council April 27, 1998

PLACED ON FILE