

October 25, 2001

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Stephen H. Kaiser
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Cambridge, Mass. 02139

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

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

SUBJECT: **Zoning Flaws and Remediation for the Eastern Cambridge Area**
Report #1 on Section 13.79.2

Dear Councilors Born and Maher,

This report will be the first of several I will be sending to the City Council in response to the zoning package passed on October 15. A complete analysis assembled in a single report would take several months to prepare, so I think it would be better to begin work on those elements which are most critical, such as establishing a well-defined boundary at North Point pursuant to the necessary provisions spelled out in Chapter 42, Section 7.

The single greatest flaw in the October 15 zoning is the requirement of 13.79.2(1) that any above-ground parking facility permitted by the Planning Board "shall be located adjacent to the Somerville municipal boundary line..." This requirement in zoning terms means that the parking garage must be located either next to the wavy S-shaped boundary line or set back with no intervening structures. Such a requirement makes no sense at all and is in total conflict with the Sasaki master plan for the Guilford site which shows parking garages located completely independently of the boundary line, including straddling the boundary line and thus being partly in Somerville and in Boston. Add to this complexity the fact that no one in Cambridge or Somerville knows exactly where the boundary line is, since it follows the completely filled-in historic channel of the Millers River.

The origins of Section 13.79.2 came from the Planning Board review process, after the Public Hearing phase had been terminated. As you may know, the Planning Board accepts no public comment other than at advertised public hearings, so there was no opportunity for any member of the public (or development community) to testify on the severe weaknesses of 13.79.2(1). The wording was generated as a result of after-meeting discussions between CDD staff and one member of the Planning Board. This wording in the September 26 version of the Planning Board recommendations was carried over verbatim in the October 15 Council draft.

I raised this objection in my testimony before the Ordinance Committee and thought at least one City Councilor understood the absurdity of this situation, yet no changes were made in the wording of this section as approved by the Council on October 15. Therefore, the best option for correction (short of court action) is to seek remedial zoning corrections which will resolve this and other problems in zoning.

The obvious awkwardness of locating parking garages along a winding city boundary -- even if no one is sure what that boundary is -- should have alerted the Planning Board, the Council, CDD and most importantly the primary interested developers, Guilford and Spaulding & Slye. How could the developers have let this language slip through and leave their development plans virtually hamstrung? Why was everyone so asleep at the switch?

The best solution is to recognize that as vague as the more legal boundary appears to be, the Guilford land covers three separate municipalities : Cambridge, Somerville and Boston. Guilford's land in Cambridge is about 45 acres, its land on the Somerville side is about 15 acres and that in Boston is about 2 acres. The development plan prepared last spring by Sasaki shows utilization of virtually all of this 62 acre area. However, the ECaPS committee was not presented with any information with regard to acreage of development in the three communities, nor how it would be planned and coordinated. There needs to be a master plan which covers all three communities and has coordinated planning and zoning along all three. I will discuss proposals for coordinated planning in a later report to the Council.

Therefore, we do not need any requirement that development be keyed to where the boundary line is, if a coordinated planning process will serve to work out a full master plan. The solution is simply to delete any requirement that parking garages be located adjacent to the Somerville municipal line. This way the garages could straddle the lines with Somerville and Boston, if desired, or could be entirely in one or more of the three communities.

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The second part of 13.79.2 (1), in referring to the above ground garage, states that *"in no case may it extend further than one hundred and fifty (150) feet from the lot line between property used for active rail use and property proposed to be developed within the development parcel for other uses... It is understood that such lot line may be in part located in another community."* In the Sasaki plan, five parking structures were proposed : two straddled the line with Somerville, one was entirely in Somerville, one was actually in Cambridge, Somerville and Boston, and the last one straddled the line between Cambridge and Boston. We presume that the active rail uses referred to are the MBTA commuter rail tracks.

The Sasaki master plan would be affected by this 150-foot provision: the first two parking garages each extend about 250 feet from the lot line. The third garage is entirely in Somerville and is not affected by Cambridge zoning. The fourth garage extends about 400 feet from the Somerville Line and about 400-feet from the Boston line. The fifth garage extends up to 450 feet from the Boston line.

In the city-wide zoning, all above-ground garages are now to be included in allowed FAR. There was no ban on such garages, only an acceptance of the concept of the parking garage counting as part of other structural bulk such as offices or housing. We should recognize that for the success of a new community like North Point, we must avoid the damage caused by isolated above-ground garages. Such damaging garages have occurred at University Park, Kendall Square and Harvard/MIT. There is a logical argument to allow for up to three levels of parking abutting the rail tracks as Guilford has proposed, but limiting all such parking to a buffer strip within 150-feet of the lot line.

Section 13.79.2 (2) provided that the aboveground garage should not be higher than 25-feet "unless the Planning Board specifically authorizes a greater height." Technically the Planning Board could allow the parking garage to be 150-feet high, so effectively there are no height limits on the above-ground parking. The appropriate response is to limit the structural height of all above-ground garages to 25-feet, or three levels as proposed by Guilford. There should be no provision for the Planning Board to increase this limit. The limit should be specified by zoning, and developers would have the same appeal rights to the BZA for zoning relief, not the Planning Board.

Section 13.79.2 (3) states that the parking structure should have the same "quality" of design as the rest of the project in the PUD. Since parking garages are notoriously ugly, there is no way to achieve this goal except by diminishing the design quality of the rest of the project. Section 13.79.2 (4) states that "The structure shall be screened with active uses to the maximum extent possible." This is a much better solution, so that we can cover up ugly parking garages by placing other buildings in front of them, as has been achieved for three of the five garages in the Sasaki plan. The shielding requirement should be retained and the "design quality" provision eliminated. Screening should be defined by ground-level visibility from within the PUD. If as currently written it is keyed to pedestrian pathways, there will be an incentive to cut back on those pedestrian amenities.

Section 13.79.2 (5) refers to the need for a study by an acoustical engineer to indicate the effectiveness of the development plan on sound abatement from the rail yards. While historically rail yard have been significant sources of noise, the primary complaint in the

modern city is industrial/R&D and office uses, especially with the advent of the biotech industry and the heavy reliance of noisy rooftop mechanicals. Therefore, any acoustical study should include an assessment of internally generated noise within the PUD, as well as noise from the extension of the elevated Green Line. A comparison of noise levels should be made between O'Brien Highway, the Gilmore Bridge and I-93, compared to the rail yard uses for both day and night-time conditions.

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Therefore I submit the following proposal :

- * Delete Section 13.79.2 in its entirety.
- * Limit all aboveground parking garages in North Point to within 150-feet of the property line for active rail (Somerville-Cambridge-Boston) and limit the height of any such parking structures to 25 feet.
- * Require that no more than 10% of the perimeter of the parking garages be visible from the ground level within the PUD.
- * Require an acoustical study for internal noise generation within the PUD (rooftop mechanicals, elevated transit) and highway noise from O'Brien Highway and I-93, as well as the levels of railroad-related noise. The analysis should evaluate the effectiveness of using the garages to shield the PUD from rail yard noise.

Sincerely,



Stephen H. Kaiser
Traffic & Zoning Analyst, ACN

cc. M. Drury, City Clerk
B. Rubinstein, CDD
L. Barber, CDD
Planning Board
J. Moot, ACN
S. Horowitz, ACN
D. Vickery, Spaulding & Slye

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Consent Communication #1

A communication was received
from Stephen H. Kaiser, regarding
the zoning for the Eastern
Cambridge area.

In City Council November 5, 2001

PLACED ON FILE