



City of Cambridge

O-12

IN CITY COUNCIL

October 1, 2001

COUNCILLOR SULLIVAN

ORDERED: That the City Manager be and hereby is requested to confer with the Assistant Director of Community Development to provide to the City Council with the following possible amendments to the ECAPS petition:

1. Adequate setbacks for housing along Binney Street, a truck route, by because it maybe a designated truck route
2. Language that allows a municipal use, such as a police station, as of right at the Volpe site.
3. Language that enables Draper Lab to go ahead with its long-planned and much needed addition of a wing to its building.

In City Council October 1, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in black ink that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk

SEE COMMITTEE REPORT #3

5

City of Cambridge

ORDINANCE COMMITTEE MEMBERS

In City Council October 1, 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 September 25, 2001, beginning at 6:40 P.M. in the Sullivan Chamber for the purpose of hearing public testimony on the Eastern Cambridge Planning Study (ECAPS) and Birk petitions to amend the zoning in the Eastern Cambridge area.

Present at the hearing were Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Committee, Councillor Henrietta Davis, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., and City Clerk D. Margaret Drury. Also present were Stuart Dash, Director of Community and Neighborhood Planning, Community Development Department (CDD), Iram Farooq, Planner, CDD.

Vice Mayor Maher convened the hearing and explained the purpose. He then invited public testimony on the petitions and reminded those present that testimony should be limited to new issues.

John Moot, 44 Coolidge Hill Road, stated that North Point is a rare opportunity for the City of Cambridge. North Point is fifty-five acres of undeveloped land. He urged careful consideration of all of the options. Before rezoning takes place, there are many issues that need to be settled. The location of the MBTA station is very important, and it should be settled first.

Francesca Amacher, 239 Mt. Auburn Street, presented a drawing of a vision of North Point emphasizing a platform approach, linking the two sides of the Monsignor O'Brien Highway by means of a "superblock" overpass. With the plan, it is not necessary to move the MBTA station.

Mr. Moot stated that Ms. Amacher's proposal shows the value of more innovative and imaginative planning before deciding upon the zoning. He recommended deleting North Point from the current zoning proposal. It should be the subject of a separate zoning proposal. Mr. Moot submitted a written version of his remarks (**Attachment A**).

Councillor Born thanked Ms. Amacher for her design drawing and noted that nothing in the proposed zoning would preclude Ms. Anacher's approach. However, only the State could implement such a plan.

Steve Kaiser discussed traffic concerns and the Cambridge/Somerville boundary issue. The proposal provides that the § 13.79.2 parking facilities will be located "adjacent to the boundary. Mr. Kaiser submitted written material (**Attachment B**) with an in-depth discussion of the matters that he presented in his testimony.

Stash Horowitz, 12 Florence Street, described the last minute requests of Guilford Transportation which the Planning Board accommodated by an 11% increase in commercial FAR. That 11% increase destroys the 65-35 balance of residential/commercial. He urged a new financial analysis of what is the most feasible kind of development in the new economic situation in which office rents are plummeting.

Mr. Horowitz then listed the differences between the two petitions including the following points:

- Housing in East Cambridge is 75% commercial and only 25% residential; zoning that requires 80% residential in North Point still won't equalize commercial and residential development in East Cambridge.
- Mass transit must be developed before the density is increased.
- The benefits of moving the T station are outweighed by the burdens such movement would create.
- Mr. Horowitz suggested the commercial development allowed should be subject to prior to development of the residential components.
- Visual impacts are a problem. The heights will block the Cambridge Street view lines.
- The 15% goal affordability will not be realized in the ECAPS petition.
- If the Volpe Building is re-conveyed to Cambridge, it should be not automatically conveyed to the CRA.
- The transfer of development rights could create unintended consequences. The Birk petition solves this part by requiring transfers to be built as housing.
- If North Point is not linked to the rest of Cambridge now, it will never be done.
- The North Point traffic study is grossly inadequate.

Mr. Horowitz then urged the City Council to discourage last minute end runs around the planning process. The Planning Board added an additional 500,000 sq. ft. of FAR at the last minute. The increase should be rejected. He also suggested the possibility of manipulation of the boundaries to avoid regulating issues associated with building near Miller's River. He said that a North Point zoning proposal should be refiled.

Attorney Joseph Haley, representing Draper Laboratories introduced Jack Barry, Director of Administration at Draper. He stated that Draper owns 571 Tech Square, and

One Hampshire Street, a seven-story building built by Draper in the 1980's. It was originally designed to contain a wing. That wing was not built then, but Draper has been developing plans for it over the recent years. If Draper builds the wing, it will be able to reduce parking spaces by 80 or more.

Richard McKinnon, 39 Lee Street, stated that his company has formed a business relationship with Charles Smith, Inc. to develop the one undeveloped site in North Point not owned by Guilford. It is a six-acre site. They are in agreement with almost all of the ECAPS proposal. The one problem for their project is the way the height differentials are laid out vis-à-vis the site. It would result in a massed development that is not the type of development contemplated in the ECAPS goals. They will be building 100% housing on the site.

Barry Zevin, 67 Hampshire Street, stated that the transfer of development rights is a good way to solve Draper's problem. The reason for the move of the T station is the extension of the Green Line to the northwest suburbs. It is a part of the mitigation for the Big Dig project. That extension will reduce traffic through Cambridge and is a significant benefit to East Cambridge.

Robert Travis, Jr., 54 Fulkerson Street, described his memories of the Lechmere Station. North Point is the last area of land in Cambridge. Time should be taken with the planning. East Cambridge wants open space, a senior center and a fire house.

William Jones, Franklin Street, discussed his memories of East Cambridge, Monsignor O'Brien, the candy factory and the Lechmere Canal. Kendall Square is beautiful. People used to swim in the Sixth Street Canal.

Councillor Sullivan stated that, particularly in this time, when Draper Lab is working on some of the kind of security measures our government needs to fight terrorism, he does not want to see a much needed expansion prohibited by the new zoning. Draper is a small, landlocked site. It would be unreasonable to take steps that would prohibit its full use of its site.

Councillor Sullivan listed three areas of the current proposal that he finds problematic. With respect to these issues, set forth below, he requested that CDD staff prepare language for amendments that he intends to offer at the time the full City Council considers the petition. The issues are as follows:

1. Adequate setbacks for housing along Binney Street, a truck route, by providing for the park to be adjacent to the street to provide a buffer between the street and the housing.
2. Language that allows a municipal use, such as a police station, as of right.
3. Language that enables Draper Lab to go ahead with its long-planned and much needed addition of a wing to its building.

Councillor Born stated that through utilization of the transfer of development rights provisions in the proposed zoning, it appears that Draper could acquire the rights to

develop the site and the City of Cambridge could have a new public park. It is quite possible that this mechanism could benefit all involved, and enhance the public welfare.

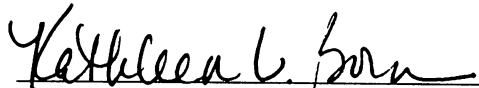
Councillor Toomey stated that he is disappointed that Draper Lab: did not participate in the public process. He wants to be sure that the neighbors are kept apprised and involved if such a transfer moves forward.

Councillor Sullivan agreed and added that he does not want to see a process that gets bogged down.

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

The meeting was adjourned at 8:15 p.m.

For the Committee,


Councillor Kathleen L. Born, Co-Chair

Vice Mayor Maher, Co-Chair

ORDERED: That, in consideration of Councillor Sullivan's concerns, the City Manager be and hereby is requested to confer with the Assistant Director of Community Development to provide to the City Council with the following possible amendments to the ECAPS petition:

1. Adequate setbacks for housing along Binney Street, a truck route, by because it maybe a designated truck route
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3. Language that enables Draper Lab to go ahead with its long-planned and much needed addition of a wing to its building.

September 25, 2001

From: John R. Moot, President of Association of Cambridge Neighborhoods

To: Ordinance Committee of Cambridge City Council

Subject: North Point – Rezoning Petition

The Opportunity

North Point, 55 acres of undeveloped land, will become our newest neighborhood. This City Council has the responsibility for deciding what kind of neighborhood it will be. It is a unique opportunity to help create an attractive, livable community for about 5,000 new residents.

The legacy by which this Council will be remembered is the nature and quality of the North Point community created as a result of its actions at this time. The responsibility of the Council for the future of North Point and its relationship with the rest of Cambridge for future centuries is too great to be handled without careful and thorough consideration of all the options and creative ideas.

Before the City rezones North Point, a vision for this new community needs to be created. What kind of a community will it be? Will we be proud of what we create?

As we plan for the new community and before we rezone there are a number of issues that need to be settled.

- The availability of mass transit and its location.
- Bus and auto access to the area.
- What public services will be provided and where?
- What open space is needed for each age group?
- What indoor and outdoor recreation facilities?
- Cultural facilities - library, school and churches.
- Public Safety needs - police and fire.

A plan and guidelines for the development of the area need to be established before zoning. The zoning should follow the plan and the guidelines to shape the community to meet the needs of new and future residents.

The landowners will then have the responsibility for the appearance and atmosphere that evolves from their layout and architecture.

Until you know the accessibility of mass transit to all parts of the area, and what percentage of the area will be housing, and what commercial, you cannot create the appropriate zoning regulations.

To date, the availability of mass transit has not been set. There are two stations currently accessible to the area – Lechmere on the other side of the 6-lane O'Brien highway, and the Bunker Hill Station at the far end of the Gilmore Bridge. The Lechmere station might be moved across the highway, but that move would make it much less accessible to Eastern Cambridge businesses like Lotus and retailers like those in the Cambridgeside Galleria.

In order to make a sound decision on the best location for the Lechmere Station, a study of the origin and destination of the people using the existing station needs to be made. If the station is moved across the highway, how many people will be inconvenienced? How will they cross

Continued on Reverse Side

the highway? If an overpass were built, would it be used? How much time and energy will it require to utilize the bridge over the highway? How many of the present riders would continue to use the station? If built, how would the overpass accommodate the disabled?

Guilford Properties, owner of over 80% of the area, claims to have an agreement with the MBTA to move the station. But Guilford, which had this agreement in hand before the first meeting of the ECaPS Committee, did not present that agreement to the ECaPS. Guilford has ever since refused to make the agreement available to the general public. The ECaPS Committee's recommendations on zoning were made without this vital information that Guilford arbitrarily withheld.

And if the station is moved, the rest of Eastern Cambridge will lose ready access to a mass transit station, and the zoning and property assessments in Eastern Cambridge will need to be adjusted accordingly.

Monsignor O'Brien Highway now sets North Point off as an island, separated from the rest of Cambridge. It breaks off a piece of Cambridge just as the proposed Inner Belt would have done. Although a pedestrian bridge high over the roadway might provide pedestrian access to the station if it is moved, it will not make North Point feel a part of Cambridge. North Point will become an isolated, gated community.

We believe that the City should explore the possibility of depressing part of the highway or building a plaza over the road or a combination of the two before the City commits to zoning for North Point. The cost would be great but the long-term benefit to all of the residents of Cambridge would be immeasurable. The vision of North Point being united with the rest of Cambridge should be given very serious consideration by the City Council and the City Manager. What is the cost to keep North Point an integral part of Cambridge? What is the cost of not?

The other major element to the mass transit for North Point is the Bunker Hill Station on the Orange Line at the other end of the Gilmore Bridge. At present that station is not an attractive option for future North Point residents. Could access to it be improved enough to make it a valuable mass transit resource for the North Point Community? If the walkway on the bridge were widened and covered, how many residents or commuters would use it? If a "people mover" belt were installed, would many more use it? Should this station on the Orange line be up-graded to become a major mass transit resource for the area? If so, who will pay for the improvements?

North Point is our last large open area to be developed. Everyone appears agreed that it should be designed and developed primarily as a strong residential community and kept as an integral part of Cambridge.

We should defer the rezoning of this area until the planning for the area can be completed. The City Council needs time to get some firm answers on mass transit and to establish goals and guidelines to insure that North Point becomes a new neighborhood of which our heirs and we can be proud.

To allow the time required for careful and thorough planning, I recommend that North Point be deleted from the zoning proposal now before the Council, and that a petition for rezoning North Point alone be filed.

Sincerely,

John R. Moot, President
Association of Cambridge Neighborhoods

Cc: Robert Healy, City Manager
The Cambridge Chronicle, The Boston Globe, The Boston Herald

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
City Councilors

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

SUBJECT: Status of Zoning Map for City of Cambridge, especially regarding North Point and the Boundary with Somerville

Dear Councilors Born and Maher,

On September 12, the Council was first apprised of the error in Cambridge maps in North Point at the Cambridge/Somerville boundary. A week later the Planning Board referred to the growing controversy, including concerns from the Somerville Planning Director, who indicated that he would be watching the Cambridge process very closely.

Our pressing problem is that the Zoning Map is in error : this map shows about 5 acres of Somerville land as being in Cambridge. A thin sliver of Cambridge is shown as being in Somerville. This map error must be corrected. This error has direct relevance to the East Cambridge zoning issues now before the Council : Section 16.11 of both the Planning Board/ ECaPS and Birk zoning petitions "*regulates development within the North Point Residence District (the "District"), located as shown on the Zoning Map, as amended.*"

This error first crept into city mapping at least as early as April 1989, although city maps did continue to use the S-shaped "wavy" boundary through 1996. The advent of centralized GIS mapping in the City has resulted in the following maps containing the erroneous "straight-line" version :

- * The Assessor's Maps of Cambridge, especially area IA.
- * The Zoning Map of Cambridge
- * All maps presented to the ECaPS study committee and included in the various draft documents submitted to ECaPS
- * The ECaPS rezoning map included in materials submitted to the Planning Board and the Cambridge City Council.

The Somerville city maps retain the wavy S-shaped boundary which follows the historical Miller's River alignment or river "thread" as verified in the work of the Rivers and Harbor Commission of the first decade of the last century. The final step was the Boston/Cambridge map of 1910 accompanying Chapter 312 of the Acts of 1910. This map, while showing the S-shaped boundary between Cambridge and Somerville, established a straight-line boundary between Boston and Cambridge which is properly reflected in the current Cambridge city maps -- except for the Assessor's Map which shows two boundary lines for Boston and Cambridge.

It is my understanding that the changes to Cambridge city maps occurred shortly after the last rezoning of North Point in 1988, and were done at the behest of the Guilford company, utilizing the surveying services of Gunther Engineering. Private entities can draw any map they wish, but the problem comes in the acceptance of these changes into Cambridge city mapping over the past decade. Who authorized the changes? Why was Somerville never consulted? Was there any effort to comply with state law, Chapter 42, Section 7, which specifies the necessary procedures and legislation before changes are made to the boundaries of cities and towns?

Further historical evidence was obtained from a visit to the State House Library and a review of the 1927 Sanborn maps for Charlestown, Somerville and Cambridge. These maps show a straight-line form which virtually matches the changes introduced into the city maps during the 1989 to 1996 period. The Sanborn maps were generated by a private company in New York City and are intended primarily for insurance applications. Today we now know more about the origins of the boundary change. For a period of at least 60 years the Sanborn maps differed from both the Cambridge and Somerville City maps.

The bottom line for the Cambridge City Council is that it cannot take any East Cambridge zoning action based upon the flawed Zoning Map of the city. This map must be corrected, including the electronic versions which are now posted on the City's Web-site. Only then can legal and domestic peace be restored with the State, the County and the City of Somerville. Only then can zoning actions taken by the City Council at North Point be considered legal.

September 25, 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
City Councilors**

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

SUBJECT: Zoning Options and Recommendations at North Point

Dear Councilors Born and Maher,

Since the last hearing of the Ordinance Committee on Eastern Cambridge zoning, there have been several new activities or new information which has surfaced. These include :

- (1) The Draft September 20, 2001 memorandum from CDD recommending the addition of a new Section 13.79 for "Additional Development Flexibility".
- (2) The recommendations of the Planning Board regarding the ECaPS and Birk petitions.
- (3) The identification of the change in boundaries at North Point within the City's Zoning Map to have occurred between the map version of June 1997 and October 1998.
- (4) A preliminary review of historical parcel ownership maps in Cambridge covering the period 1894 to 1983 -- showing that the first appearance of the "straightened boundary" was in 1900.
- (5) The rediscovery of the May 1994 Mitigation Agreement between the City of Cambridge and state transportation officials -- especially with regard to state commitments to move the Lechmere Station.
- (6) Additional discussions on flexibility for modifying the "All or Nothing" approach of the Planning Board in rejecting the Birk petition. Specifically, ideas for incorporating severable sections of the Birk Petition into a new compromise zoning package are being discussed.
- (7) My letter of September 24, 2001 to the Ordinance Committee regarding the mapping errors in City maps and the authorized relocation of the Cambridge/Somerville boundary at North Point.

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(1) CDD Memo of September 20 on "Development Flexibility"

The need for more "flexibility" is basically a desire by North Point developers to allow for greater intensity of development, especially for office uses. Section 13.79.1 provides protection against existing uses in North Point who would become non-conforming and might otherwise have difficulty in replacement after a catastrophic fire. This concept is sound and is included in the Birk Petition, Section 16.21.4 -- with a 10% expansion option.

Section 13.79.2 allows for some above grade structured parking to *not* count as gross floor area in the development, and thereby such parking would not be subject to FAR limits. This concept is directly contrary to the City-Wide rezoning passed last February and would set a standard for every rezoning or PUD to undermine the goal of including above-grade parking as part of the GFA. The wording in part (1) is particularly defective, since it refers to a limit on GFA (usually expressed in units of square feet) as not more than 10% of the authorized FAR -- which is dimensionless.

Section (2) of 13.79.2 states that "The parking facility shall be located adjacent to the Somerville municipal boundary line." *It is precisely this boundary line which is in legal dispute at this time.* The Sasaki master plan shows several parking structures located at North Point -- what is meant by parking facility in the singular? Such a requirement for being located adjacent to the boundary line would mean that some or all of the parking structures would need to be aligned along the curving S-shaped boundary between Cambridge and Somerville and no parking garages could be located adjacent to the Boston line. The wording would not allow for any setback of the parking garage(s) from the boundary line with Somerville, nor for any overlapping or straddling of the boundary line. Indeed, it would be possible to locate the parking garage entirely in Somerville, as long as it was located adjacent to the boundary line.

Section (3) provides no zoning protection against tall parking structures, since the Planning Board can authorize garage heights up to the maximum, 120-150 feet. Most parking garages are limited to 5 or 6 floors, but what section (3) means is that there are no zoning protections against the building of standard, bulky above-grade parking garages at North Point.

Section (4) states that "The design of the garage shall be of a quality comparable to that of all other non-parking structures in the PUD." Because of the notorious ugliness of most above-grade parking garages and extreme difficulties in making any parking structure into a positive architectural feature, there is no way to design an above-grade parking

structure to match the best standards for conventional housing and office buildings. The only way that item (4) can be complied with is to lower the quality of the architectural design of the non-parking structures at North Point until they reach the “comparable” design quality of the garages. This is clearly unsound public policy.

Section (5) proposes that the garages “be screened with active uses to the maximum extent possible.” The Planning Board has already stated they have no ability to understand the economics of development, so what is meant by the word “possible”? Apparently, all that would be necessary is for a developer to claim that any alternatives are not “possible” since they would cost more money. The words “maximum extent possible” are not zoning words but fall into the vague category of general guidelines. Such terminology should be stricken from any zoning language.

Section (6) refers to noise impacts from the “adjacent rail yards.” There are no adjacent rail yards in Cambridge in the North Point IA District. The Guilford site ownership extends into Somerville and Boston, so there would be buildings, parking structures and roadways in Somerville and Boston along the northern boundary of the project. Only on the north side of these Somerville and Boston parcels are there any “adjacent rail yards.”

Section 13.79.3 allows for added GFA for non-residential uses. Section (1) allows for an added FAR increment of 0.26, which implies that the former range of 2.4 to 3.0 FAR would be increased to 2.66 to 3.26. This suggestion is contrary to the ECAPS discussions and agreements and all Planning Board agreements until the last two Board meetings. There is no explanation of how this FAR generosity can be justified, including what are the consequences for added traffic congestion and increased building bulk. The last sentence is stunning: “In no case, shall the total authorized GFA for the approved PUD exceed 2.65” because it wipes out any housing incentive in zoning. Indeed, it has exactly the opposite effect: the developer’s plan of last March for 1.5 million s.f. of office/R&D, 3 million s.f. of housing and 1 million s.f. of above-ground parking could now be composed of 3.1 million s.f. of office, 2.4 million s.f. of housing and 0.5 msf of housing-related above-ground parking with FAR bonuses for affordable housing. In terms of the split of housing vs. office (not including parking), the result would only be 44% housing and 56% office -- a dramatic difference from the 65% housing minimum and 100% housing maximums offered as the original ECAPS goals and incentives.

Section (2) indicates that no additional parking spaces shall be provided for beyond the extremely generous parking allowances for both office and residential in Section 13.74.1.

Guilford today is proposing to build fewer parking spaces than is allowed under zoning. All they need to do is ask for the maximum allowed parking, and this will be more than adequate. In addition, the developer could build more parking in Somerville or Boston if there were ever a real limit on the number of parking spaces.

Section (3) attempts to place a traffic limit on the added office GFA. This section will be ineffective since all a developer needs to do is show that there will be no parking increase, therefore there will be no traffic increase. The arguments can be buttressed by vague references to PTDM and other standard methods which traffic engineers typically use to demonstrate that "there's no problem." This section does require findings by the Planning Board that the added traffic is "acceptable" for both the base proposal and for the added non-residential development.

There is no Section (4).

Section (5) begins with a very awkward hanging clause, and follows with options for the Planning Board where the active verb is "may" in terms of project phasing and traffic monitoring. There is a reference to a "Traffic study" which is not at all clear: what study is this and when is it required? The subsequent paragraphs dealing with traffic generation which is higher than the original PUD approval will be virtually irrelevant, because the severe traffic congestion in East Cambridge -- especially the primary bottleneck at the Land Boulevard/O'Brien Highway intersection -- will simply not provide any room for the vast amounts of cars which might want to use North Point.

The addition of Section 13.710 is a positive contribution, since it requires that at least someone will be monitoring compliance with the provisions of the PUD. Normally, City agencies seldom have any resources to measure compliance, especially of a traffic nature. Developers may have an incentive to spin the monitoring data to make the results appear in a more favorable light, but even this information will be better than none at all.

(2) Planning Board Recommendation on Eastern Cambridge Zoning

The Planning Board at its September 20 meeting formally voted its acceptance of the ECaPS petition, with amendments, while also voting a wholesale rejection of all elements of the Birk Petition. The Board chose to exercise a flawed "All or Nothing" approach. It is not clear what will be the actual written Planning Board proposal to the Ordinance Committee, since there was much verbal discussion of proposals without written drafts, and any changes to the September 20 CDD memo were not clear.

As I understand it, the announced schedule is for the Planning Board recommendations to reach the City Council in time for your October 1 meeting. The Planning Board vote included references to a 150-foot setback from the Somerville line, as well as incorporating much of the September 20 CDD memo. The written version of the Planning Board recommendations should be subject to very close scrutiny by the City Council.

(3) Identification of Changes to City Boundaries in the Zoning Map

I have made extensive research of historical maps of the City in order to determine the proper municipal boundary between Cambridge and Somerville. The most important issue for the City Council is the Eastern Cambridge Zoning, where both the ECaPS and Birk petitions have identical language in Section 16.11 to regulate *“development within the North Point Residence District (the “District”), located as shown on the Zoning Map, as amended.”*

The June 12, 1997 version of the Zoning Map shows an S-shaped boundary at North Point, while the October 26, 1998 version of the Zoning Map shows a straightened boundary, which includes about 5 acres of Somerville as an alleged part of Cambridge. This change coincides with the change in city mapping to the computerized GIS system. However, the change in the city boundary does not appear to have been authorized or approved by the Planning Board, the City Council, the City Engineer or any other public entity. The Somerville City maps of 1999 retains the S-shaped boundary.

Therefore, it is the October 26, 1998 version of the Zoning Map for Cambridge which represents an illegal and corrupted city boundary. This boundary must be corrected before the City Council can legally and properly vote on any rezoning for North Point.

(4) Identification of Historical Changes to City Mapping

Prior to 1989, the city boundary with Somerville in North Point is shown consistently as S-shaped on all city maps. The Somerville and state maps matched this delineation exactly. Only in the period 1989 to 1998 did the straightened boundary invade the City's mapping process, and it now appears in all GIS maps, including the Assessor's maps and all mapping presented to the ECaPS committee and as part of the ECaPS zoning package.

However, I have been able to located a series of privately printed maps which show extensive attempts to set a relocated and straightened boundary as early as 1900. These maps

include the Sanborn, Bromley and Stadly maps which were intended primarily for use in determining insurance issues. These maps were never approved by city and state governments, even though they are very detailed and are a vital historical reference even today. The early Sanborn maps neglected to show any municipal boundary at North Point until 1927, when they showed the straightened line version, which has been continued to the present day. The Bromley maps also dropped any city line, until the straightened version was introduced in the 1930 version. I would note that in the early years of the last century, the Boston & Maine railroad was controlled by J.P. Morgan through an associate, Charles Mellon, and by 1913 the Morgan empire came crashing down in scandal over illegal and sordid business dealings. I will not give all the details, but any effort to have the railroads influence a convenient change in city boundaries would not be beyond the potentials of the railroad magnates of the time. Possible reasons include insurance rates, avoiding questions of tidelands and land ownership titles, as well as more modern themes of land development and municipal utility extensions -- including sewer and water service.

(5) Mitigation Agreement for North Point in 1994

In reviewing my files, I have recently come across the 1994 agreement between City officials and the state highway department. This "Mitigation Agreement" was intended to be compensation for the City caused by possible damages incidental to the construction of the Scheme Z highway proposal (or its variations). The key element in this agreement is the commitment by state highway officials (MHD) to the relocation of Lechmere Station, as shown on page 7 of the agreement :

"MHD shall undertake the construction of the relocation of the MBTA Lechmere Station to the other side of the Monsignor O'Brien Highway, including the demolition and removal of the abandoned station and viaduct ..."

The entire rationale for the "flexibility" provisions at North Point has been the costs associated with the moving of the station, presumably to be borne entirely by Guilford. However, according to the 1994 agreement, these costs will be absorbed by the State. Moreover, on the basis on testimony at the Planning Board, I understand that the land swap agreement between the MBTA and Guilford includes provisions that Guilford will pay for the station relocation while Guilford in return receives the land parcels associated with the existing Lechmere Station. This was an entirely acceptable agreement for Guilford, so why are they complaining now and seeking zoning compensations at North Point? They already have the benefit of the PUD 4 rezoning which includes the existing Lechmere station site.

(6) Flexibility in Adopting the All-or-Nothing Approach to the Birk Petition

The Planning Board improperly took a rigid "All-or-Nothing" approach to the Birk Petition and rejected it outright for that reason. I have already testified to the Ordinance Committee that it is possible to adopt certain sections of either petition -- those sections which are severable. For example, any of the six parts of the Birk Petition could be substituted for the ECaPS/Planning Board version. Key examples would be Kendall Square (Volpe Center) [Part II] PUD 4, 4A, 4B and 4C [Part IV]..... and Transfer of Development Rights [Part V].

The Volpe Center proposals of the Birk Petition [Part II] would limit new construction to the Northern half of the Volpe site and would not result in the destruction of 6 out of 7 DOT center buildings. There would be clear open space and housing benefits at the Kendall for the Birk petition without threatening the essential functions of the Volpe Center.

The Transfer of Development Rights under the Birk Petition [Part V] would result in more housing and retail in the Kendall Square area generally, in support of a long-sought goal for this very sterile area. As proposed by the Planning Board, the likely result at Kendall Square would be extensive new office space construction in the area, which is contrary to any goals to enliven Kendall Square and give it a more human sense.

(7) My letter of September 20 Describing Various Mapping Errors

I have submitted to every City Councilor a copy of my September 24 letter describing the various city maps containing the erroneous City boundary at North Point, the problems with passage of any zoning involving North Point, and the State Laws which are violated by any arbitrary relocation of city boundaries.

CONCLUSIONS

The Planning Board zoning package fails to consider the very significant growth and traffic impacts of the proposal. At least 7.3 million s.f. of new development in East Cambridge is anticipated in the next 20 years, and counting the various omissions and upzoning actions by the Planning Board, the total growth could exceed 10 million s.f. -- or a 50% increase over the entire development that now exists in the Eastern Cambridge study area. The traffic study is incomplete and undisclosed -- the City has not published a traffic study in 17 years. Consideration of traffic congestion and bottlenecks was avoided entirely. Community facilities (schools, churches, meeting places) have been inadequately planned for, and incentives for transit use, housing, and protection of existing assets (like the Volpe Center) are seriously deficient.

September 25, 2001

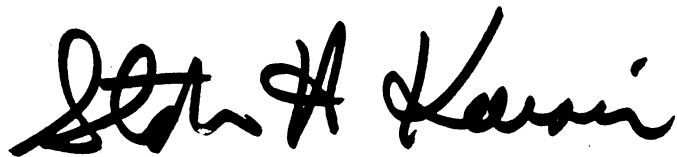
The North Point boundary remains in serious dispute and no one in City Government is taking the lead to correct the evident and well recognized errors to the Zoning Map. We confront major unresolved planning problems with obtaining correct and legal determination of the North Point city boundaries, with traffic, community and housing issues, and with a consideration of impacts on development in all three communities (Cambridge, Somerville and Boston). Moreover, we have failed to develop a mass transit strategy for the area, especially in terms of improved service, and have failed to provide for safe pedestrian crossing of O'Brien Highway. These omissions have been succinctly summarized in John Moot's letter of September 25, 2001. Therefore, I strongly recommend that the City Council either

(a) make immediate corrections to the Zoning Map, the traffic analysis, and housing incentives at North Point,

or

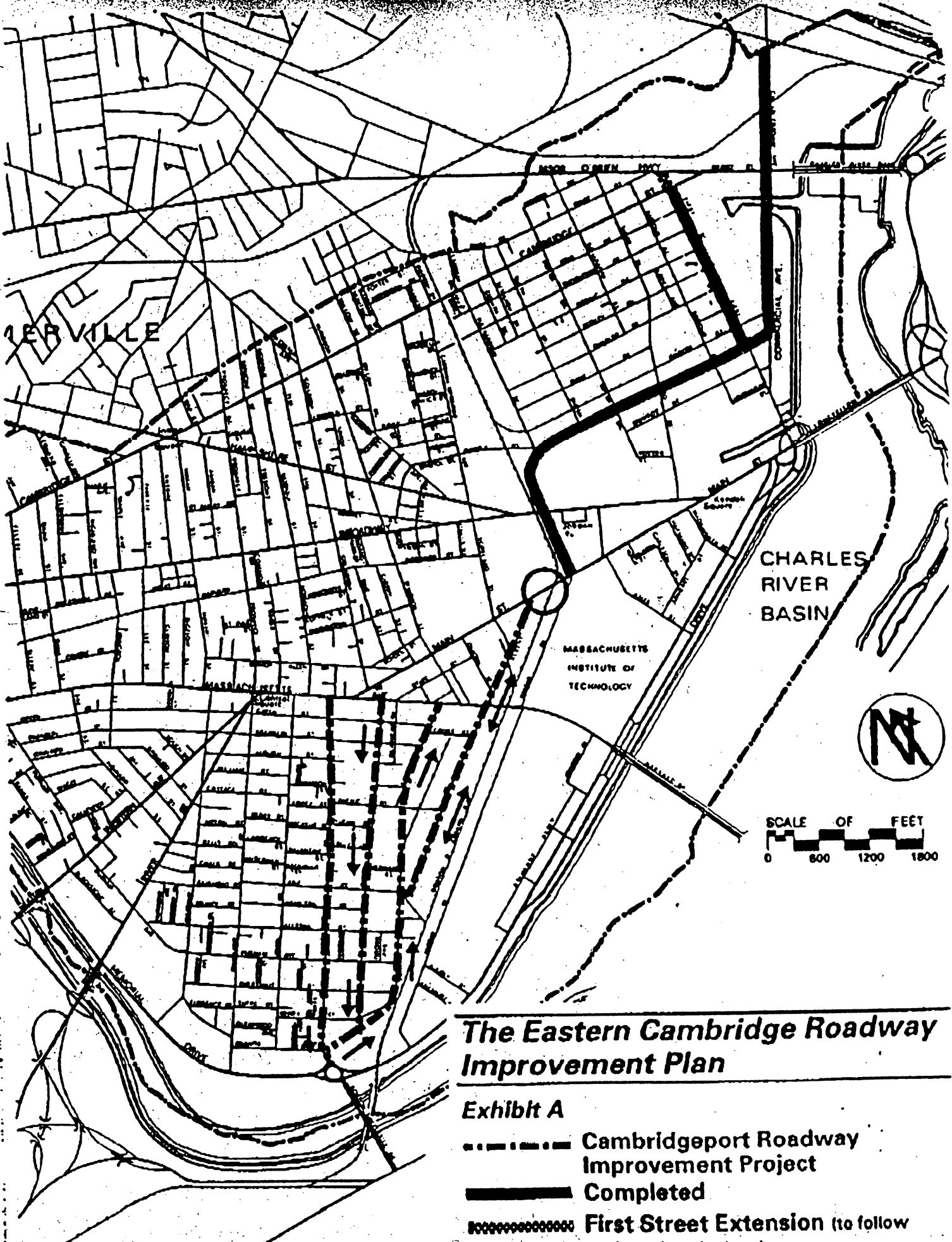
(b) take no action on rezoning North Point at this time and allow both petitions to lapse, so that all maps can be corrected and the necessary traffic and community planning can be done prior to reconsideration of improved zoning for North Point.

Sincerely,






Stephen H. Kaiser, PhD
Traffic & Zoning Consultant,
Association of Cambridge Neighborhoods

cc. J. Moot ACN
S. Horowitz, ACN
L. Barber, S. Dash, S. Rasmussen CDD



The Eastern Cambridge Roadway Improvement Plan

Exhibit A






-  Cambridgeport Roadway Improvement Project
-  Completed
-  First Street Extension (to follow station relocation)

submitted by S. Kaiser 9/25

Area A

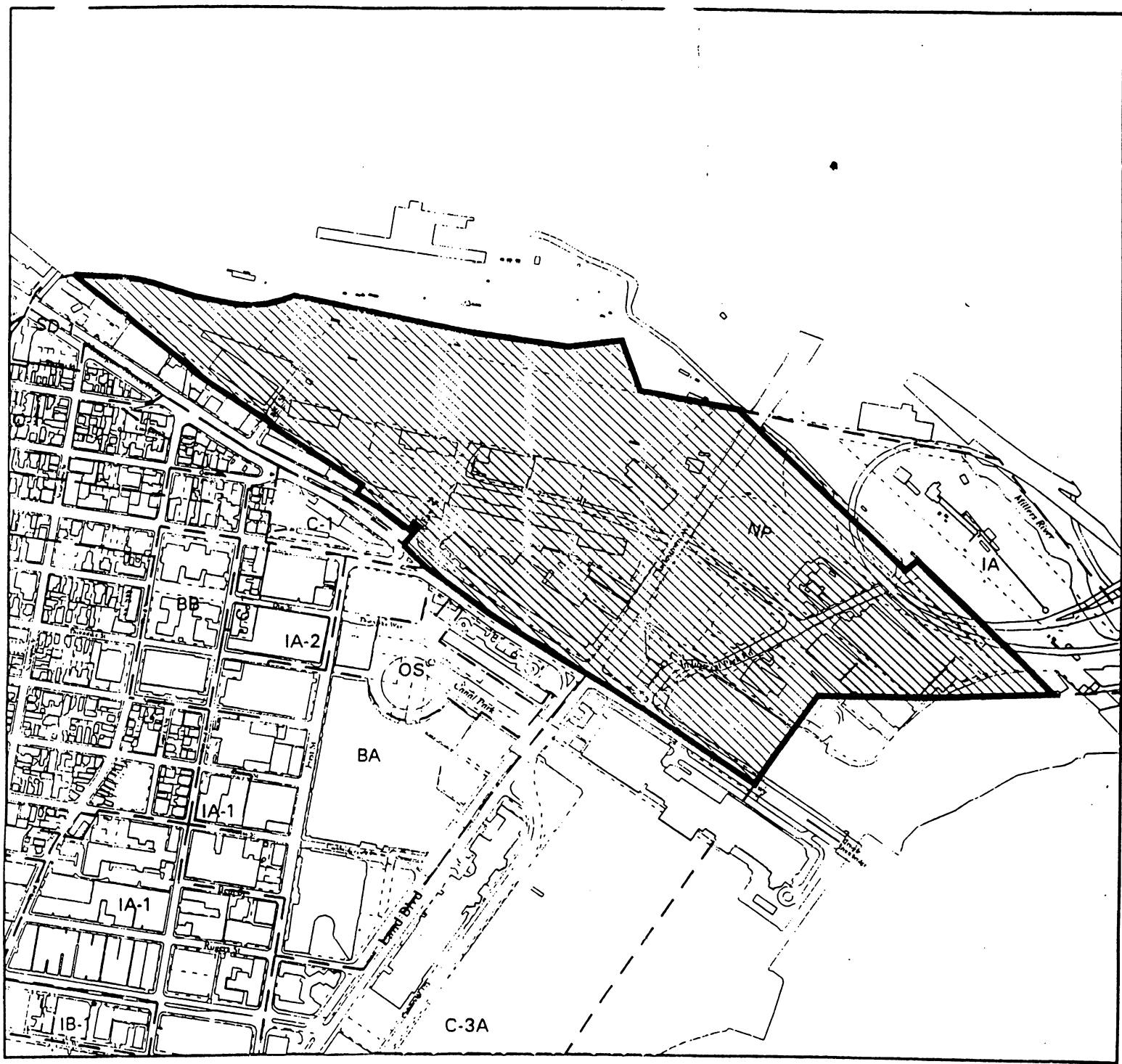
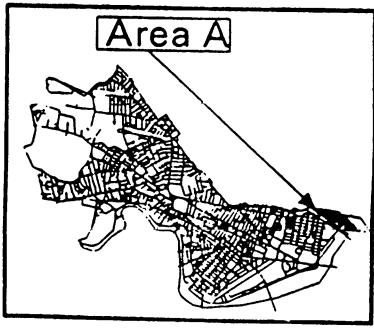
North Point Base
District and PUD-6
No Map Change

Legend

-  Open Water
-  Rezoning Area
-  Building Footprint
-  Zoning Districts
-  Parcel Line



Scale
1 Inch = 600 Feet





Joseph M. Wolfe, Jr.
Vice President and Treasurer

September 25, 2001

By Hand

Cambridge City Council
Ordinance Committee
c/o Kathleen L. Born and David P. Maher, Co-Chairs
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Draper Laboratory - One Hampshire Street

Dear Members of the Ordinance Committee:

The Charles Stark Draper Laboratory, Inc. ("Draper") is hereby requesting the Ordinance Committee of the Cambridge City Council to consider an amendment to the proposed Eastern Cambridge Rezoning Petition (the "Rezoning Petition").

Draper is a non-profit research organization which is recognized as the world leader in guidance, navigation, control and related technologies. The majority of its work is performed in conjunction with national defense. Draper owns and occupies two large properties in Cambridge, one at 571 Technology Square and the other at One Hampshire Street. Draper has occupied 571 Technology Square since 1975. Both properties are fully taxed by the City of Cambridge. The current annual real estate tax bills total approximately \$2.2M.

Draper purchased the One Hampshire Street property in the late 1970's as part of the redevelopment of the American Biltrite site. The One Hampshire Street facility was developed to provide expansion capabilities for Draper. Because of Draper's specialized activities and need for security, it is extremely important that Draper's activities be located in adjoining facilities. Draper built the existing seven-story building at One Hampshire Street in 1982. At the time that it was built, it was designed to accommodate an additional seven-story wing of approximately 140,000 s.f. The additional wing was designed at the same time that the existing building was developed. The existing building incorporates common areas and facilities to accommodate the proposed wing and State permitting has been obtained for the entire complex.

Draper has always occupied the entire 571 Technology Square building. For a period of time, Draper occupied 100% of the One Hampshire Street facility as well. As Draper's activities are

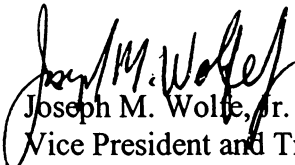
largely responsive to America's defense needs, primarily under Federal research contracts from the Department of Defense and NASA, Draper's activities were reduced in the 1990's. Consequently, Draper leased a portion of the One Hampshire Street facility to other scientific organizations and businesses. Most recently, Draper has considered expanding its facilities at One Hampshire Street to provide the necessary long term flexibility to accommodate probable expansions in Draper's activities. Draper would like the Ordinance Committee to consider an amendment to the proposed Rezoning Amendment to allow Draper to build the wing as originally designed.

Draper understands that the primary objectives of the proposed Eastern Cambridge Rezoning Petition are to encourage the production of housing and to reduce traffic impacts. The One Hampshire Street facility, because of its unique location and configuration, is not readily adaptable to housing. Furthermore, Draper's activities which require a high degree of security, would not be compatible with a residential development nor would residential uses provide Draper with its objective of providing long term expansion capabilities. As for traffic, Draper is committed to reduce reliance on the single occupancy vehicles. In connection with the proposed addition, it is committed to reducing a substantial amount of the existing parking spaces which will tend to reduce the number of vehicle trips to and from the site.

Specifically, Draper is proposing that the Rezoning Petition be amended by adding a footnote to the Ind. B District maximum FAR Column in the Table (5-4) of Dimensional Requirements. The footnote amendment would allow Draper to exceed the 2.75 FAR if Draper reduces the number of existing parking spaces on the site. The proposal is that for every existing parking space permanently eliminated, Draper would be allowed to increase the size of the proposed addition by 500 s.f. over the 2.75 FAR requirement, provided that the maximum FAR would in no event ever be greater than 3.2. Specific language for the proposed amendment, a site map and a more detailed explanation are enclosed.

We hope that you will agree that the proposal will meet the basic objectives of the Rezoning Petition by reducing traffic to and from the site, will not create an undesirable precedent and most importantly will provide long term flexibility to this important aspect of our national security system.

Sincerely,


Joseph M. Wolfe, Jr.
Vice President and Treasurer

JMW:elt/43:01

Enclosures

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 October 1, 2001

The Ordinance Committee held a public hearing on September 25, 2001, beginning at 6:40 P.M. in the Sullivan Chamber for the purpose of hearing public testimony on the Eastern Cambridge Planning Study (ECAPS) and Birk petitions to amend the zoning in the Eastern Cambridge area.

Present at the hearing were Vice Mayor David P. Maher and Councillor Kathleen L. Born, Co-Chairs of the Committee, Councillor Henrietta Davis, Councillor Michael A. Sullivan, Councillor Timothy J. Toomey, Jr., and City Clerk D. Margaret Drury. Also present were Stuart Dash, Director of Community and Neighborhood Planning, Community Development Department (CDD), Iram Farooq, Planner, CDD.

Vice Mayor Maher convened the hearing and explained the purpose. He then invited public testimony on the petitions and reminded those present that testimony should be limited to new issues.

John Moot, 44 Coolidge Hill Road, stated that North Point is a rare opportunity for the City of Cambridge. North Point is fifty-five acres of undeveloped land. He urged careful consideration of all of the options. Before rezoning takes place, there are many issues that need to be settled. The location of the MBTA station is very important, and it should be settled first.

Francesca Amacher, 239 Mt. Auburn Street, presented a drawing of a vision of North Point emphasizing a platform approach, linking the two sides of the Monsignor O'Brien Highway by means of a "superblock" overpass. With the plan, it is not necessary to move the MBTA station.

Mr. Moot stated that Ms. Amacher's proposal shows the value of more innovative and imaginative planning before deciding upon the zoning. He recommended deleting North Point from the current zoning proposal. It should be the subject of a separate zoning proposal. Mr. Moot submitted a written version of his remarks (**Attachment A**).

Councillor Born thanked Ms. Amacher for her design drawing and noted that nothing in the proposed zoning would preclude Ms. Anacher's approach. However, only the State could implement such a plan.

Steve Kaiser discussed traffic concerns and the Cambridge/Somerville boundary issue. The proposal provides that the § 13.79.2 parking facilities will be located "adjacent to the boundary. Mr. Kaiser submitted written material (**Attachment B**) with an in-depth discussion of the matters that he presented in his testimony.

Stash Horowitz, 12 Florence Street, described the last minute requests of Guilford Transportation which the Planning Board accommodated by an 11% increase in commercial FAR. That 11% increase destroys the 65-35 balance of residential/commercial. He urged a new financial analysis of what is the most feasible kind of development in the new economic situation in which office rents are plummeting.

Mr. Horowitz then listed the differences between the two petitions including the following points:

- Housing in East Cambridge is 75% commercial and only 25% residential; zoning that requires 80% residential in North Point still won't equalize commercial and residential development in East Cambridge.
- Mass transit must be developed before the density is increased.
- The benefits of moving the T station are outweighed by the burdens such movement would create.
- Mr. Horowitz suggested the commercial development allowed should be subject to prior development of the residential components.
- Visual impacts are a problem. The heights will block the Cambridge Street view lines.
- The 15% goal affordability will not be realized in the ECAPS petition.
- If the Volpe Building is re-conveyed to Cambridge, it should be not automatically conveyed to the CRA.
- The transfer of development rights could create unintended consequences. The Birk petition solves this part by requiring transfers to be built as housing.
- If North Point is not linked to the rest of Cambridge now, it will never be done.
- The North Point traffic study is grossly inadequate.

Mr. Horowitz then urged the City Council to discourage last minute end runs around the planning process. The Planning Board added an additional 500,000 sq. ft. of FAR at the last minute. The increase should be rejected. He also suggested the possibility of manipulation of the boundaries to avoid regulating issues associated with building near Miller's River. He said that a North Point zoning proposal should be refiled.

Attorney Joseph Haley, representing Draper Laboratories introduced Jack Barry, Director of Administration at Draper. He stated that Draper owns 571 Tech Square, and

One Hampshire Street, a seven-story building built by Draper in the 1980's. It was originally designed to contain a wing. That wing was not built then, but Draper has been developing plans for it over the recent years. If Draper builds the wing, it will be able to reduce parking spaces by 80 or more.

Richard McKinnon, 39 Lee Street, stated that his company has formed a business relationship with Charles Smith, Inc. to develop the one undeveloped site in North Point not owned by Guilford. It is a six-acre site. They are in agreement with almost all of the ECAPS proposal. The one problem for their project is the way the height differentials are laid out vis-à-vis the site. It would result in a massed development that is not the type of development contemplated in the ECAPS goals. They will be building 100% housing on the site.

Barry Zevin, 67 Hampshire Street, stated that the transfer of development rights is a good way to solve Draper's problem. The reason for the move of the T station is the extension of the Green Line to the northwest suburbs. It is a part of the mitigation for the Big Dig project. That extension will reduce traffic through Cambridge and is a significant benefit to East Cambridge.

Robert Travis, Jr., 54 Fulkerson Street, described his memories of the Lechmere Station. North Point is the last area of land in Cambridge. Time should be taken with the planning. East Cambridge wants open space, a senior center and a fire house.

William Jones, Franklin Street, discussed his memories of East Cambridge, Monsignor O'Brien, the candy factory and the Lechmere Canal. Kendall Square is beautiful. People used to swim in the Sixth Street Canal.

Councillor Sullivan stated that, particularly in this time, when Draper Lab is working on some of the kind of security measures our government needs to fight terrorism, he does not want to see a much needed expansion prohibited by the new zoning. Draper is a small, landlocked site. It would be unreasonable to take steps that would prohibit its full use of its site.

Councillor Sullivan listed three areas of the current proposal that he finds problematic. With respect to these issues, set forth below, he requested that CDD staff prepare language for amendments that he intends to offer at the time the full City Council considers the petition. The issues are as follows:

1. Adequate setbacks for housing along Binney Street, a truck route, by providing for the park to be adjacent to the street to provide a buffer between the street and the housing.
2. Language that allows a municipal use, such as a police station, as of right.
3. Language that enables Draper Lab to go ahead with its long-planned and much needed addition of a wing to its building.

Councillor Born stated that through utilization of the transfer of development rights provisions in the proposed zoning, it appears that Draper could acquire the rights to

develop the site and the City of Cambridge could have a new public park. It is quite possible that this mechanism could benefit all involved, and enhance the public welfare.

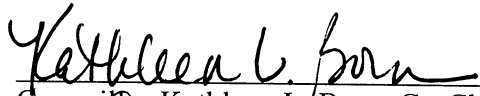
Councillor Toomey stated that he is disappointed that Draper Lab: did not participate in the public process. He wants to be sure that the neighbors are kept apprised and involved if such a transfer moves forward.

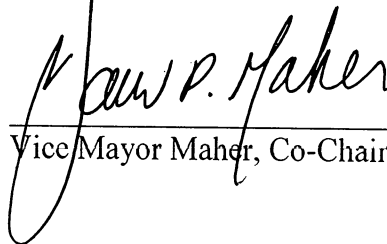
Councillor Sullivan agreed and added that he does not want to see a process that gets bogged down.

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

The meeting was adjourned at 8:15 p.m.

For the Committee,


Councillor Kathleen L. Born, Co-Chair


Vice Mayor Maher, Co-Chair

ORDERED: That, in consideration of Councillor Sullivan's concerns, the City Manager be and hereby is requested to confer with the Assistant Director of Community Development to provide to the City Council with the following possible amendments to the ECAPS petition:

1. Adequate setbacks for housing along Binney Street, a truck route, by because it maybe a designated truck route
2. Language that allows a municipal use, such as a police station, as of right at the Volpe site.
3. Language that enables Draper Lab to go ahead with its long-planned and much needed addition of a wing to its building.

September 25, 2001

From: John R. Moot, President of Association of Cambridge Neighborhoods

To: Ordinance Committee of Cambridge City Council

Subject: North Point – Rezoning Petition

The Opportunity

North Point, 55 acres of undeveloped land, will become our newest neighborhood. This City Council has the responsibility for deciding what kind of neighborhood it will be. It is a unique opportunity to help create an attractive, livable community for about 5,000 new residents.

The legacy by which this Council will be remembered is the nature and quality of the North Point community created as a result of its actions at this time. The responsibility of the Council for the future of North Point and its relationship with the rest of Cambridge for future centuries is too great to be handled without careful and thorough consideration of all the options and creative ideas.

Before the City rezones North Point, a vision for this new community needs to be created. What kind of a community will it be? Will we be proud of what we create?

As we plan for the new community and before we rezone there are a number of issues that need to be settled.

- The availability of mass transit and its location.
- Bus and auto access to the area.
- What public services will be provided and where?
- What open space is needed for each age group?
- What indoor and outdoor recreation facilities?
- Cultural facilities - library, school and churches.
- Public Safety needs - police and fire.

A plan and guidelines for the development of the area need to be established before zoning. The zoning should follow the plan and the guidelines to shape the community to meet the needs of new and future residents.

The landowners will then have the responsibility for the appearance and atmosphere that evolves from their layout and architecture.

Until you know the accessibility of mass transit to all parts of the area, and what percentage of the area will be housing, and what commercial, you cannot create the appropriate zoning regulations.

To date, the availability of mass transit has not been set. There are two stations currently accessible to the area – Lechmere on the other side of the 6-lane O'Brien highway, and the Bunker Hill Station at the far end of the Gilmore Bridge. The Lechmere station might be moved across the highway, but that move would make it much less accessible to Eastern Cambridge businesses like Lotus and retailers like those in the Cambridgeside Galleria.

In order to make a sound decision on the best location for the Lechmere Station, a study of the origin and destination of the people using the existing station needs to be made. If the station is moved across the highway, how many people will be inconvenienced? How will they cross

Continued on Reverse Side

the highway? If an overpass were built, would it be used? How much time and energy will it require to utilize the bridge over the highway? How many of the present riders would continue to use the station? If built, how would the overpass accommodate the disabled?

Guilford Properties, owner of over 80% of the area, claims to have an agreement with the MBTA to move the station. But Guilford, which had this agreement in hand before the first meeting of the ECaPS Committee, did not present that agreement to the ECaPS. Guilford has ever since refused to make the agreement available to the general public. The ECaPS Committee's recommendations on zoning were made without this vital information that Guilford arbitrarily withheld.

And if the station is moved, the rest of Eastern Cambridge will lose ready access to a mass transit station, and the zoning and property assessments in Eastern Cambridge will need to be adjusted accordingly.

Monsignor O'Brien Highway now sets North Point off as an island, separated from the rest of Cambridge. It breaks off a piece of Cambridge just as the proposed Inner Belt would have done. Although a pedestrian bridge high over the roadway might provide pedestrian access to the station if it is moved, it will not make North Point feel a part of Cambridge. North Point will become an isolated, gated community.

We believe that the City should explore the possibility of depressing part of the highway or building a plaza over the road or a combination of the two before the City commits to zoning for North Point. The cost would be great but the long-term benefit to all of the residents of Cambridge would be immeasurable. The vision of North Point being united with the rest of Cambridge should be given very serious consideration by the City Council and the City Manager. What is the cost to keep North Point an integral part of Cambridge? What is the cost of not?

The other major element to the mass transit for North Point is the Bunker Hill Station on the Orange Line at the other end of the Gilmore Bridge. At present that station is not an attractive option for future North Point residents. Could access to it be improved enough to make it a valuable mass transit resource for the North Point Community? If the walkway on the bridge were widened and covered, how many residents or commuters would use it? If a "people mover" belt were installed, would many more use it? Should this station on the Orange line be up-graded to become a major mass transit resource for the area? If so, who will pay for the improvements?

North Point is our last large open area to be developed. Everyone appears agreed that it should be designed and developed primarily as a strong residential community and kept as an integral part of Cambridge.

We should defer the rezoning of this area until the planning for the area can be completed. The City Council needs time to get some firm answers on mass transit and to establish goals and guidelines to insure that North Point becomes a new neighborhood of which our heirs and we can be proud.

To allow the time required for careful and thorough planning, I recommend that North Point be deleted from the zoning proposal now before the Council, and that a petition for rezoning North Point alone be filed.

Sincerely,

John R. Moot, President
Association of Cambridge Neighborhoods

Cc: Robert Healy, City Manager
The Cambridge Chronicle, The Boston Globe, The Boston Herald

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
City Councilors

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

SUBJECT: Status of Zoning Map for City of Cambridge, especially regarding North Point and the Boundary with Somerville

Dear Councilors Born and Maher,

On September 12, the Council was first apprised of the error in Cambridge maps in North Point at the Cambridge/Somerville boundary. A week later the Planning Board referred to the growing controversy, including concerns from the Somerville Planning Director, who indicated that he would be watching the Cambridge process very closely.

Our pressing problem is that the Zoning Map is in error : this map shows about 5 acres of Somerville land as being in Cambridge. A thin sliver of Cambridge is shown as being in Somerville. This map error must be corrected. This error has direct relevance to the East Cambridge zoning issues now before the Council : Section 16.11 of both the Planning Board/ ECaPS and Birk zoning petitions "*regulates development within the North Point Residence District (the "District"), located as shown on the Zoning Map, as amended.*"

This error first crept into city mapping at least as early as April 1989, although city maps did continue to use the S-shaped "wavy" boundary through 1996. The advent of centralized GIS mapping in the City has resulted in the following maps containing the erroneous "straight-line" version :

- * The Assessor's Maps of Cambridge, especially area IA.
- * The Zoning Map of Cambridge
- * All maps presented to the ECaPS study committee and included in the various draft documents submitted to ECaPS
- * The ECaPS rezoning map included in materials submitted to the Planning Board and the Cambridge City Council.

The Somerville city maps retain the wavy S-shaped boundary which follows the historical Miller's River alignment or river "thread" as verified in the work of the Rivers and Harbor Commission of the first decade of the last century. The final step was the Boston/Cambridge map of 1910 accompanying Chapter 312 of the Acts of 1910. This map, while showing the S-shaped boundary between Cambridge and Somerville, established a straight-line boundary between Boston and Cambridge which is properly reflected in the current Cambridge city maps -- except for the Assessor's Map which shows two boundary lines for Boston and Cambridge.

It is my understanding that the changes to Cambridge city maps occurred shortly after the last rezoning of North Point in 1988, and were done at the behest of the Guilford company, utilizing the surveying services of Gunther Engineering. Private entities can draw any map they wish, but the problem comes in the acceptance of these changes into Cambridge city mapping over the past decade. Who authorized the changes? Why was Somerville never consulted? Was there any effort to comply with state law, Chapter 42, Section 7, which specifies the necessary procedures and legislation before changes are made to the boundaries of cities and towns?

Further historical evidence was obtained from a visit to the State House Library and a review of the 1927 Sanborn maps for Charlestown, Somerville and Cambridge. These maps show a straight-line form which virtually matches the changes introduced into the city maps during the 1989 to 1996 period. The Sanborn maps were generated by a private company in New York City and are intended primarily for insurance applications. Today we now know more about the origins of the boundary change. For a period of at least 60 years the Sanborn maps differed from both the Cambridge and Somerville City maps.

The bottom line for the Cambridge City Council is that it cannot take any East Cambridge zoning action based upon the flawed Zoning Map of the city. This map must be corrected, including the electronic versions which are now posted on the City's Web-site. Only then can legal and domestic peace be restored with the State, the County and the City of Somerville. Only then can zoning actions taken by the City Council at North Point be considered legal.

September 25, 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
City Councilors**

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

SUBJECT: Zoning Options and Recommendations at North Point

Dear Councilors Born and Maher,

Since the last hearing of the Ordinance Committee on Eastern Cambridge zoning, there have been several new activities or new information which has surfaced. These include :

- (1) The Draft September 20, 2001 memorandum from CDD recommending the addition of a new Section 13.79 for "Additional Development Flexibility".
- (2) The recommendations of the Planning Board regarding the ECaPS and Birk petitions.
- (3) The identification of the change in boundaries at North Point within the City's Zoning Map to have occurred between the map version of June 1997 and October 1998.
- (4) A preliminary review of historical parcel ownership maps in Cambridge covering the period 1894 to 1983 -- showing that the first appearance of the "straightened boundary" was in 1900.
- (5) The rediscovery of the May 1994 Mitigation Agreement between the City of Cambridge and state transportation officials -- especially with regard to state commitments to move the Lechmere Station.
- (6) Additional discussions on flexibility for modifying the "All or Nothing" approach of the Planning Board in rejecting the Birk petition. Specifically, ideas for incorporating severable sections of the Birk Petition into a new compromise zoning package are being discussed.
- (7) My letter of September 24, 2001 to the Ordinance Committee regarding the mapping errors in City maps and the authorized relocation of the Cambridge/Somerville boundary at North Point.

=====

(1) CDD Memo of September 20 on "Development Flexibility"

The need for more "flexibility" is basically a desire by North Point developers to allow for greater intensity of development, especially for office uses. Section 13.79.1 provides protection against existing uses in North Point who would become non-conforming and might otherwise have difficulty in replacement after a catastrophic fire. This concept is sound and is included in the Birk Petition, Section 16.21.4 -- with a 10% expansion option.

Section 13.79.2 allows for some above grade structured parking to *not* count as gross floor area in the development, and thereby such parking would not be subject to FAR limits. This concept is directly contrary to the City-Wide rezoning passed last February and would set a standard for every rezoning or PUD to undermine the goal of including above-grade parking as part of the GFA. The wording in part (1) is particularly defective, since it refers to a limit on GFA (usually expressed in units of square feet) as not more than 10% of the authorized FAR -- which is dimensionless.

Section (2) of 13.79.2 states that "The parking facility shall be located adjacent to the Somerville municipal boundary line." *It is precisely this boundary line which is in legal dispute at this time.* The Sasaki master plan shows several parking structures located at North Point -- what is meant by parking facility in the singular? Such a requirement for being located adjacent to the boundary line would mean that some or all of the parking structures would need to be aligned along the curving S-shaped boundary between Cambridge and Somerville and no parking garages could be located adjacent to the Boston line. The wording would not allow for any setback of the parking garage(s) from the boundary line with Somerville, nor for any overlapping or straddling of the boundary line. Indeed, it would be possible to locate the parking garage entirely in Somerville, as long as it was located adjacent to the boundary line.

Section (3) provides no zoning protection against tall parking structures, since the Planning Board can authorize garage heights up to the maximum, 120-150 feet. Most parking garages are limited to 5 or 6 floors, but what section (3) means is that there are no zoning protections against the building of standard, bulky above-grade parking garages at North Point.

Section (4) states that "The design of the garage shall be of a quality comparable to that of all other non-parking structures in the PUD." Because of the notorious ugliness of most above-grade parking garages and extreme difficulties in making any parking structure into a positive architectural feature, there is no way to design an above-grade parking

structure to match the best standards for conventional housing and office buildings. The only way that item (4) can be complied with is to lower the quality of the architectural design of the non-parking structures at North Point until they reach the "comparable" design quality of the garages. This is clearly unsound public policy.

Section (5) proposes that the garages "be screened with active uses to the maximum extent possible." The Planning Board has already stated they have no ability to understand the economics of development, so what is meant by the word "possible"? Apparently, all that would be necessary is for a developer to claim that any alternatives are not "possible" since they would cost more money. The words "maximum extent possible" are not zoning words but fall into the vague category of general guidelines. Such terminology should be stricken from any zoning language.

Section (6) refers to noise impacts from the "adjacent rail yards." There are no adjacent rail yards in Cambridge in the North Point IA District. The Guilford site ownership extends into Somerville and Boston, so there would be buildings, parking structures and roadways in Somerville and Boston along the northern boundary of the project. Only on the north side of these Somerville and Boston parcels are there any "adjacent rail yards."

Section 13.79.3 allows for added GFA for non-residential uses. Section (1) allows for an added FAR increment of 0.26, which implies that the former range of 2.4 to 3.0 FAR would be increased to 2.66 to 3.26. This suggestion is contrary to the ECaPS discussions and agreements and all Planning Board agreements until the last two Board meetings. There is no explanation of how this FAR generosity can be justified, including what are the consequences for added traffic congestion and increased building bulk. The last sentence is stunning : "In no case, shall the total authorized GFA for the approved PUD exceed 2.65" because it wipes out any housing incentive in zoning. Indeed, it has exactly the opposite effect : the developer's plan of last March for 1.5 million s.f. of office/R&D, 3 million s.f. of housing and 1 million s.f. of above-ground parking could now be composed of 3.1 million s.f. of office, 2.4 million s.f. of housing and 0.5 msf of housing-related above-ground parking with FAR bonuses for affordable housing. In terms of the split of housing vs. office (not including parking), the result would only be 44% housing and 56% office -- a dramatic difference from the 65% housing minimum and 100% housing maximums offered as the original ECaPS goals and incentives.

Section (2) indicates that no additional parking spaces shall be provided for beyond the extremely generous parking allowances for both office and residential in Section 13.74.1.

Guilford today is proposing to build fewer parking spaces than is allowed under zoning. All they need to do is ask for the maximum allowed parking, and this will be more than adequate. In addition, the developer could build more parking in Somerville or Boston if there were ever a real limit on the number of parking spaces.

Section (3) attempts to place a traffic limit on the added office GFA. This section will be ineffective since all a developer needs to do is show that there will be no parking increase, therefore there will be no traffic increase. The arguments can be buttressed by vague references to PTDM and other standard methods which traffic engineers typically use to demonstrate that "there's no problem." This section does require findings by the Planning Board that the added traffic is "acceptable" for both the base proposal and for the added non-residential development.

There is no Section (4).

Section (5) begins with a very awkward hanging clause, and follows with options for the Planning Board where the active verb is "may" in terms of project phasing and traffic monitoring. There is a reference to a "Traffic study" which is not at all clear: what study is this and when is it required? The subsequent paragraphs dealing with traffic generation which is higher than the original PUD approval will be virtually irrelevant, because the severe traffic congestion in East Cambridge -- especially the primary bottleneck at the Land Boulevard/O'Brien Highway intersection -- will simply not provide any room for the vast amounts of cars which might want to use North Point.

The addition of Section 13.710 is a positive contribution, since it requires that at least someone will be monitoring compliance with the provisions of the PUD. Normally, City agencies seldom have any resources to measure compliance, especially of a traffic nature. Developers may have an incentive to spin the monitoring data to make the results appear in a more favorable light, but even this information will be better than none at all.

(2) Planning Board Recommendation on Eastern Cambridge Zoning

The Planning Board at its September 20 meeting formally voted its acceptance of the ECaPS petition, with amendments, while also voting a wholesale rejection of all elements of the Birk Petition. The Board chose to exercise a flawed "All or Nothing" approach. It is not clear what will be the actual written Planning Board proposal to the Ordinance Committee, since there was much verbal discussion of proposals without written drafts, and any changes to the September 20 CDD memo were not clear.

As I understand it, the announced schedule is for the Planning Board recommendations to reach the City Council in time for your October 1 meeting. The Planning Board vote included references to a 150-foot setback from the Somerville line, as well as incorporating much of the September 20 CDD memo. The written version of the Planning Board recommendations should be subject to very close scrutiny by the City Council.

(3) Identification of Changes to City Boundaries in the Zoning Map

I have made extensive research of historical maps of the City in order to determine the proper municipal boundary between Cambridge and Somerville. The most important issue for the City Council is the Eastern Cambridge Zoning, where both the ECaPS and Birk petitions have identical language in Section 16.11 to regulate *“development within the North Point Residence District (the “District”), located as shown on the Zoning Map, as amended.”*

The June 12, 1997 version of the Zoning Map shows an S-shaped boundary at North Point, while the October 26, 1998 version of the Zoning Map shows a straightened boundary, which includes about 5 acres of Somerville as an alleged part of Cambridge. This change coincides with the change in city mapping to the computerized GIS system. However, the change in the city boundary does not appear to have been authorized or approved by the Planning Board, the City Council, the City Engineer or any other public entity. The Somerville City maps of 1999 retains the S-shaped boundary.

Therefore, it is the October 26, 1998 version of the Zoning Map for Cambridge which represents an illegal and corrupted city boundary. This boundary must be corrected before the City Council can legally and properly vote on any rezoning for North Point.

(4) Identification of Historical Changes to City Mapping

Prior to 1989, the city boundary with Somerville in North Point is shown consistently as S-shaped on all city maps. The Somerville and state maps matched this delineation exactly. Only in the period 1989 to 1998 did the straightened boundary invade the City's mapping process, and it now appears in all GIS maps, including the Assessor's maps and all mapping presented to the ECaPS committee and as part of the ECaPS zoning package.

However, I have been able to located a series of privately printed maps which show extensive attempts to set a relocated and straightened boundary as early as 1900. These maps

include the Sanborn, Bromley and Stadly maps which were intended primarily for use in determining insurance issues. These maps were never approved by city and state governments, even though they are very detailed and are a vital historical reference even today. The early Sanborn maps neglected to show any municipal boundary at North Point until 1927, when they showed the straightened line version, which has been continued to the present day. The Bromley maps also dropped any city line, until the straightened version was introduced in the 1930 version. I would note that in the early years of the last century, the Boston & Maine railroad was controlled by J.P. Morgan through an associate, Charles Mellon, and by 1913 the Morgan empire came crashing down in scandal over illegal and sordid business dealings. I will not give all the details, but any effort to have the railroads influence a convenient change in city boundaries would not be beyond the potentials of the railroad magnates of the time. Possible reasons include insurance rates, avoiding questions of tidelands and land ownership titles, as well as more modern themes of land development and municipal utility extensions -- including sewer and water service.

(5) Mitigation Agreement for North Point in 1994

In reviewing my files, I have recently come across the 1994 agreement between City officials and the state highway department. This "Mitigation Agreement" was intended to be compensation for the City caused by possible damages incidental to the construction of the Scheme Z highway proposal (or its variations). The key element in this agreement is the commitment by state highway officials (MHD) to the relocation of Lechmere Station, as shown on page 7 of the agreement :

"MHD shall undertake the construction of the relocation of the MBTA Lechmere Station to the other side of the Monsignor O'Brien Highway, including the demolition and removal of the abandoned station and viaduct ..."

The entire rationale for the "flexibility" provisions at North Point has been the costs associated with the moving of the station, presumably to be borne entirely by Guilford. However, according to the 1994 agreement, these costs will be absorbed by the State. Moreover, on the basis on testimony at the Planning Board, I understand that the land swap agreement between the MBTA and Guilford includes provisions that Guilford will pay for the station relocation while Guilford in return receives the land parcels associated with the existing Lechmere Station. This was an entirely acceptable agreement for Guilford, so why are they complaining now and seeking zoning compensations at North Point? They already have the benefit of the PUD 4 rezoning which includes the existing Lechmere station site.

(6) Flexibility in Adopting the All-or-Nothing Approach to the Birk Petition

The Planning Board improperly took a rigid "All-or-Nothing" approach to the Birk Petition and rejected it outright for that reason. I have already testified to the Ordinance Committee that it is possible to adopt certain sections of either petition -- those sections which are severable. For example, any of the six parts of the Birk Petition could be substituted for the ECaPS/Planning Board version. Key examples would be Kendall Square (Volpe Center) [Part II] PUD 4, 4A, 4B and 4C [Part IV]..... and Transfer of Development Rights [Part V].

The Volpe Center proposals of the Birk Petition [Part II] would limit new construction to the Northern half of the Volpe site and would not result in the destruction of 6 out of 7 DOT center buildings. There would be clear open space and housing benefits at the Kendall for the Birk petition without threatening the essential functions of the Volpe Center.

The Transfer of Development Rights under the Birk Petition [Part V] would result in more housing and retail in the Kendall Square area generally, in support of a long-sought goal for this very sterile area. As proposed by the Planning Board, the likely result at Kendall Square would be extensive new office space construction in the area, which is contrary to any goals to enliven Kendall Square and give it a more human sense.

(7) My letter of September 20 Describing Various Mapping Errors

I have submitted to every City Councilor a copy of my September 24 letter describing the various city maps containing the erroneous City boundary at North Point, the problems with passage of any zoning involving North Point, and the State Laws which are violated by any arbitrary relocation of city boundaries.

CONCLUSIONS

The Planning Board zoning package fails to consider the very significant growth and traffic impacts of the proposal. At least 7.3 million s.f. of new development in East Cambridge is anticipated in the next 20 years, and counting the various omissions and upzoning actions by the Planning Board, the total growth could exceed 10 million s.f. -- or a 50% increase over the entire development that now exists in the Eastern Cambridge study area. The traffic study is incomplete and undisclosed -- the City has not published a traffic study in 17 years. Consideration of traffic congestion and bottlenecks was avoided entirely. Community facilities (schools, churches, meeting places) have been inadequately planned for, and incentives for transit use, housing, and protection of existing assets (like the Volpe Center) are seriously deficient.

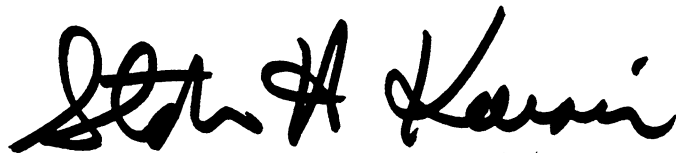
The North Point boundary remains in serious dispute and no one in City Government is taking the lead to correct the evident and well recognized errors to the Zoning Map. We confront major unresolved planning problems with obtaining correct and legal determination of the North Point city boundaries, with traffic, community and housing issues, and with a consideration of impacts on development in all three communities (Cambridge, Somerville and Boston). Moreover, we have failed to develop a mass transit strategy for the area, especially in terms of improved service, and have failed to provide for safe pedestrian crossing of O'Brien Highway. These omissions have been succinctly summarized in John Moot's letter of September 25, 2001. Therefore, I strongly recommend that the City Council either

- (a) make immediate corrections to the Zoning Map, the traffic analysis, and housing incentives at North Point,

or

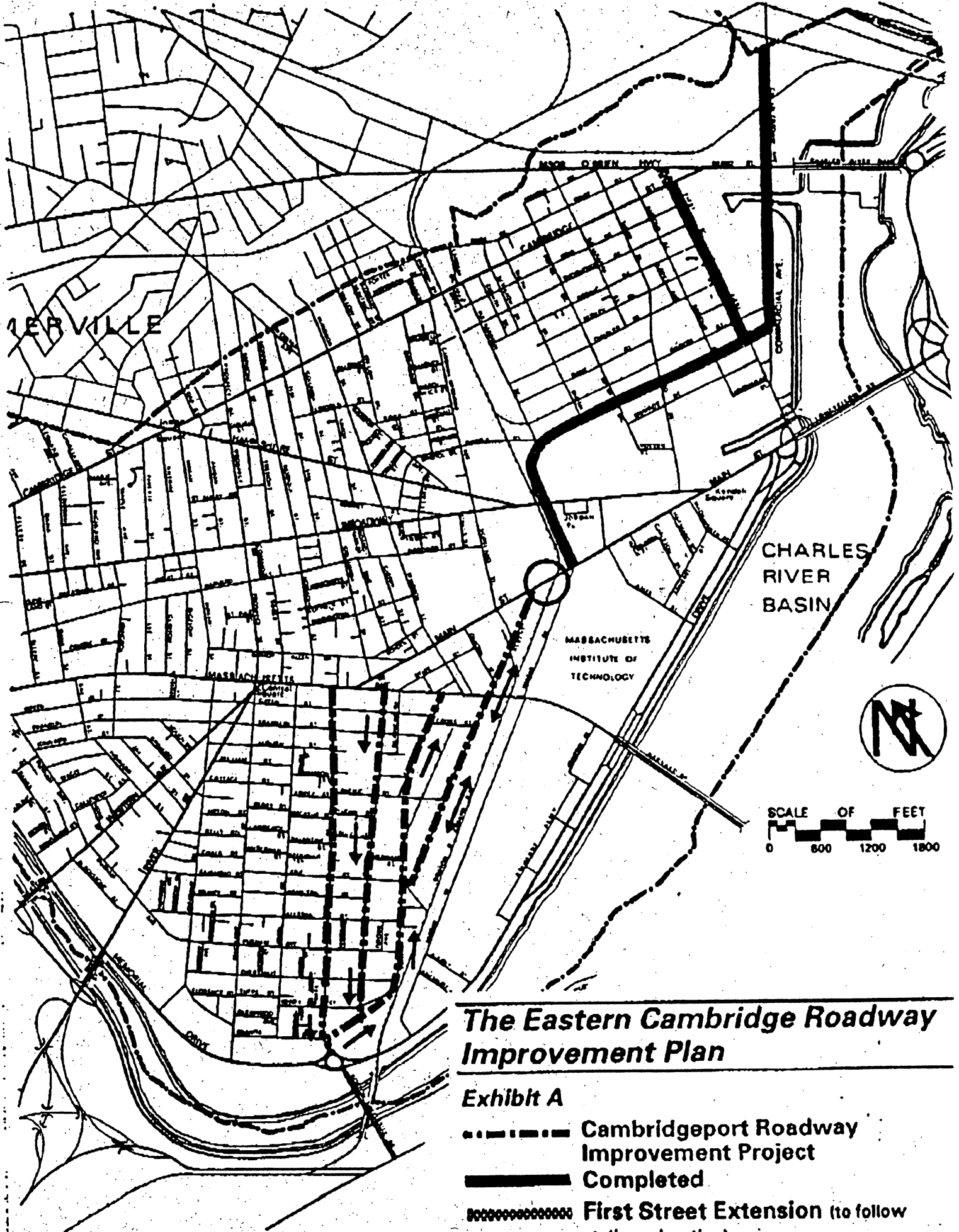
- (b) take no action on rezoning North Point at this time and allow both petitions to lapse, so that all maps can be corrected and the necessary traffic and community planning can be done prior to reconsideration of improved zoning for North Point.

Sincerely,



Stephen H. Kaiser, PhD
Traffic & Zoning Consultant,
Association of Cambridge Neighborhoods

cc. J. Moot ACN
S. Horowitz, ACN
L. Barber, S. Dash, S. Rasmussen CDD



The Eastern Cambridge Roadway Improvement Plan

Exhibit A






- Cambridgeport Roadway Improvement Project
- Completed
- First Street Extension (to follow station relocation)

Submitted by S. Kaiser 9/25/01

Area A

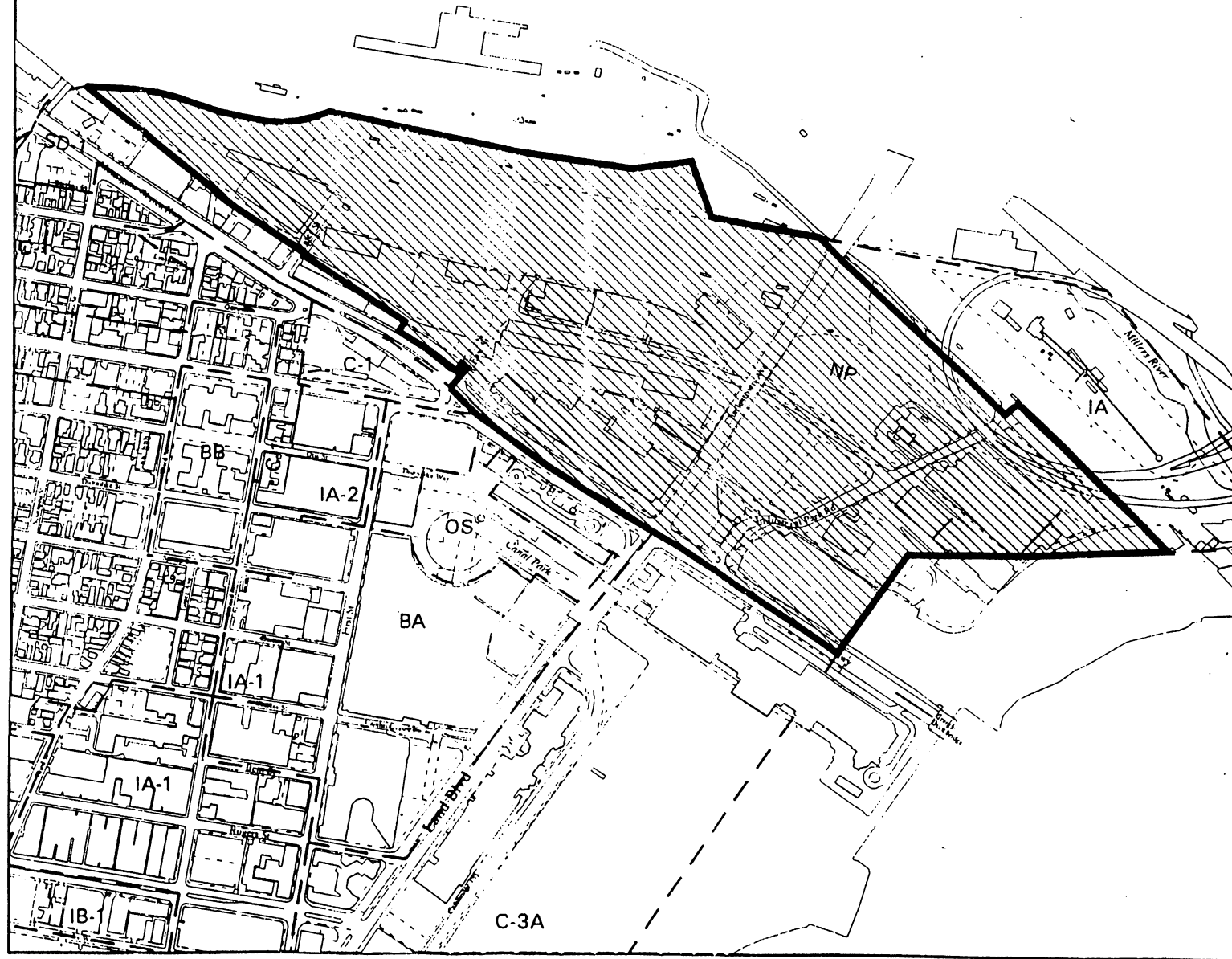
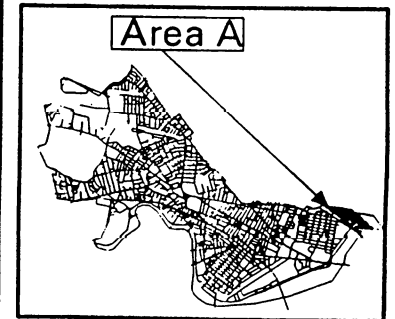
North Point Base
District and PUD-6
No Map Change

Legend

-  Open Water
-  Rezoning Area
-  Building Footprint
-  Zoning Districts
-  Parcel Line



Scale
1 Inch = 600 Feet



September 25, 2001


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Sincerely,



Stephen H. Kaiser, PhD
Traffic & Zoning Consultant,
Association of Cambridge Neighborhoods

cc. J. Moot ACN
S. Horowitz, ACN
L. Barber, S. Dash, S. Rasmussen CDD



Joseph M. Wolfe, Jr.
Vice President and Treasurer

September 25, 2001

By Hand

Cambridge City Council
Ordinance Committee
c/o Kathleen L. Born and David P. Maher, Co-Chairs
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Draper Laboratory - One Hampshire Street

Dear Members of the Ordinance Committee:

The Charles Stark Draper Laboratory, Inc. ("Draper") is hereby requesting the Ordinance Committee of the Cambridge City Council to consider an amendment to the proposed Eastern Cambridge Rezoning Petition (the "Rezoning Petition").

Draper is a non-profit research organization which is recognized as the world leader in guidance, navigation, control and related technologies. The majority of its work is performed in conjunction with national defense. Draper owns and occupies two large properties in Cambridge, one at 571 Technology Square and the other at One Hampshire Street. Draper has occupied 571 Technology Square since 1975. Both properties are fully taxed by the City of Cambridge. The current annual real estate tax bills total approximately \$2.2M.

Draper purchased the One Hampshire Street property in the late 1970's as part of the redevelopment of the American Biltrite site. The One Hampshire Street facility was developed to provide expansion capabilities for Draper. Because of Draper's specialized activities and need for security, it is extremely important that Draper's activities be located in adjoining facilities. Draper built the existing seven-story building at One Hampshire Street in 1982. At the time that it was built, it was designed to accommodate an additional seven-story wing of approximately 140,000 s.f. The additional wing was designed at the same time that the existing building was developed. The existing building incorporates common areas and facilities to accommodate the proposed wing and State permitting has been obtained for the entire complex.

Draper has always occupied the entire 571 Technology Square building. For a period of time, Draper occupied 100% of the One Hampshire Street facility as well. As Draper's activities are

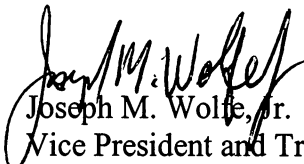
largely responsive to America's defense needs, primarily under Federal research contracts from the Department of Defense and NASA, Draper's activities were reduced in the 1990's. Consequently, Draper leased a portion of the One Hampshire Street facility to other scientific organizations and businesses. Most recently, Draper has considered expanding its facilities at One Hampshire Street to provide the necessary long term flexibility to accommodate probable expansions in Draper's activities. Draper would like the Ordinance Committee to consider an amendment to the proposed Rezoning Amendment to allow Draper to build the wing as originally designed.

Draper understands that the primary objectives of the proposed Eastern Cambridge Rezoning Petition are to encourage the production of housing and to reduce traffic impacts. The One Hampshire Street facility, because of its unique location and configuration, is not readily adaptable to housing. Furthermore, Draper's activities which require a high degree of security, would not be compatible with a residential development nor would residential uses provide Draper with its objective of providing long term expansion capabilities. As for traffic, Draper is committed to reduce reliance on the single occupancy vehicles. In connection with the proposed addition, it is committed to reducing a substantial amount of the existing parking spaces which will tend to reduce the number of vehicle trips to and from the site.

Specifically, Draper is proposing that the Rezoning Petition be amended by adding a footnote to the Ind. B District maximum FAR Column in the Table (5-4) of Dimensional Requirements. The footnote amendment would allow Draper to exceed the 2.75 FAR if Draper reduces the number of existing parking spaces on the site. The proposal is that for every existing parking space permanently eliminated, Draper would be allowed to increase the size of the proposed addition by 500 s.f. over the 2.75 FAR requirement, provided that the maximum FAR would in no event ever be greater than 3.2. Specific language for the proposed amendment, a site map and a more detailed explanation are enclosed.

We hope that you will agree that the proposal will meet the basic objectives of the Rezoning Petition by reducing traffic to and from the site, will not create an undesirable precedent and most importantly will provide long term flexibility to this important aspect of our national security system.

Sincerely,


Joseph M. Wolfe, Jr.
Vice President and Treasurer

JMW:elt/43:01

Enclosures

360 5

Committee Report #3

Committee Report from Councillor Kathleen L. Born and Vice Mayor David P. Maher, Co-Chairs of the Ordinance Committee, for a meeting held on September 25, 2001 for the purpose of hearing public testimony on Eastern Cambridge Planning Study (ECAPS) and Birk petitions to amend the zoning in the Eastern Cambridge area.

In City Council October 1, 2001

Report Accepted

PLACED ON FILE

ORDER ADOPTED