

The Building Department has issued two construction permits for large garages which are clearly intended to support other intense development on the site yet are judged to be a separate "project" by the Building Department -- simply because it is a separate building permit. The issue of segmentation can be resolved by adapting language which makes the situation unambiguous and overrides the narrowly defined "project" as a mere building permit :

" 19.11 Segmentation : In determining whether a Project is subject to a Section 19 Special permit, the Proponent and all City agencies shall consider the entirety of the Project, including any related future Expansion, and not separate phases or segments thereof. In determining whether various work or activities constitute one Project, City officials shall consider all adjacent parcels under the same or related ownership and whether garages and buildings are functionally severable from existing and/or proposed conditions. An unrelated future expansion would be an addition to a prior development package or phase which is entirely functional and severable from the future expansion and which is not expected to occur for at least 5 years. The Proponent may not phase or segment a Project to evade or defer Article 19 review. Nor shall he use varied land ownership for similar efforts of evasion."

(Note : These concepts are modeled on the MEPA regulations, 301 CMR 11.05.)

The penalty for any project segmentation which is found to avoid special project review will be a two-year denial of any permit approval for the site involved and for any other projects in the City by the proponent.

Section 19.30 - Traffic Impact Special Permit

Replace 19.31 - Purpose replace with the following :

"It is the intent of this Section 19.30 to assist the Planning Board, City Departments and the Public in understanding and reviewing the impact of all transportation modes of traffic generated by a development project both on the immediately surrounding street environment and on locations more distant from the site but likely to receive significant amounts of traffic from the development. The review process is intended to encourage both applicants and City officials to recognize sensitive communities, existing congestion points through which traffic might access the site, and to achieve a development program which, in combination with mitigation, will significantly reduce the number of single-occupant vehicles using the site while supporting through design and operational measures support for ride-sharing, and pedestrian/bicycle access."

19.33 - Special Permit Threshold

The various CDD drafts so far have included an elusive "Figure 1," which has not yet been properly inserted into the text version. In contrast to the old limit of 50,000 s.f. the draft versions of Figure show four pages of different land uses. The final result is undue complexity and confusion. I would suggest that there should be a simple adjustment, using 50,000 s.f. as a base and allowing a different level -- with every s.f. for housing and institutional uses counting less : as 0.5 s.f. for threshold purposes.

David Vickery's proposal to base the cutoff on trip generation appears to have a reasonable basis in a rational world, but under development pressures, traffic engineers would be under pressure to "tweak" the trip generation numbers so

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development could squeeze under the traffic threshold. The 50,000 s.f. figure (without segmentation) is the easiest number for all sides to check and thus represents a reasonable (if not 100% perfect) way to achieve what we are looking for.

"A Traffic Special Permit shall be required where the equivalent and unsegmented development area exceeds 50,000 for new construction."

All representations of "the project" should be unsegmented and consistent with section 19.11.

19.34 - Application Procedures

The scoping of projects by city departments has been too limited. Rather than comprehensively looking at neighborhood and bottleneck conditions, the result has been "underscoping" where an irrelevant set of intersections is studied in depth without adequate consideration of significant impacts on neighborhoods and bottlenecks.

Therefore, section 19.34(2) is inadequate in allowing for an internal scoping by the Traffic and Parking Department. In some IPOP cases, the scope was proposed by the developer and accepted by the city -- which gets us very close to the developers' deciding what they will study.

RECOMMENDATION : add after the first sentence of 19.34 (2) :

"A public scoping meeting will be held by the TPTD to receive comments and input on the appropriate scoping area for the study. The director of TPTD shall issue the written scope and make a finding that the study area will be most likely to identify any adverse impacts on city traffic."

19.35.1 General Review Criteria

The new CDD wording would change the IPOP wording of "adverse impacts on City traffic" to impacts on traffic in the study area as defined by TPTD, which as noted above is often underscoped. Therefore replace the first two sentences of 19.35.1 with the following :

"In granting a special permit under this section 19.30, the Planning Board shall make a finding that the project will have no substantial adverse impact on city traffic. In addition, the Planning Board shall make a finding that all reasonable mitigation measures have been taken to address any such adverse traffic impacts, as set forth below. The Board shall provide an approximate quantification of the amount of traffic mitigation likely to be achieved and shall reduce parking levels by a corresponding amount. "

19.35.2 - Traffic Impact Indicators

Originally, the Planning Board adopted five "criteria" for what would represent a potentially "substantial adverse impact on city traffic." Almost immediately the word "criteria" was pushed to the side as developers sought to discuss "indicators" and City tabulations referred to "data points." Developers were reluctant to talk about projects "failing a criterion" so they substituted language which talks about "an exceedance of an indicator" which at a minimum is a ruination of language.

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So far of 15 IPOP traffic reviews, two were later withdrawn and one is awaiting review. (The ComEnergy site, now in court, never went through the IPOP process). Of the 13 approved projects, in no instance has the Planning Board found a project unworthy of a finding of "no substantial adverse impact on traffic." There has been a 100% approval rate. Since traffic problems in Cambridge are getting worse rather than better, we should be looking at the five impact criteria and toughening them, not relaxing one.

The CDD draft proposes only one change in the five indicators -- to delete any reference to safety. thus, there will be no safety review of projects, which makes little sense. Since we have a free accident-rate spreadsheet available from the state highway department, we should use it : calculate the accident rate and identify any locations over the statewide average. Rather than making an estimate of the likely additional accidents as a result of the new development, have the developer propose specific safety improvements based on identified problems.

Criterion #2 for "Change in level of service" has never caught a single instance of a violation in any of the IPOP studies. We might consider deleting that one and strengthening the other four.

19.36 - Evaluation of Driveways :

For any project which is not housing or institutional usage, any development of more than 50,000 s.f. of new construction will require a new curbcut permit and review of any existing curbcuts for capacity, adequacy and safety. In each respect, the Planning Board shall forward their recommendation to the City Council for actual granting of the new curbcut permit. Where existing as-of-right or minimum curbcut width are 10-feet, justification should be provided for any wider driveway.

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To : Association of Cambridge Neighborhoods
City-Wide Growth Management Advisory Committee
Community Development/Traffic & Parking
Cambridge City Council

From : Stephen H. Kaiser, Traffic & Zoning Consultant, ACN

SUBJECT: **Initial Recommendations on Traffic-Related Rezoning**

I have reviewed the February 25 drafts prepared by the Community Development Department for CGMAC review and wish to offer the following comments and proposals.

19.10 One of the two primary purposes of IPOP is to “*guarantee that the city infrastructure can support potential increases in traffic.*” This language has been deleted from all public notices for IPOP meetings and has been avoided by CDD, Traffic and Parking and the Planning Board in their discussions. In fairness, the Planning Board probably cannot guarantee anything of this sort. The system cannot even meet the 5-day deadline for availability of transcripts of its own meetings.

The first sentence of 19.10 should be modified by adding after “Article 19.000” the following : “is to Certify that the city infrastructure can support expected increases in traffic.”

The second sentence should be replaced by the following :

“The procedures established below will provide an opportunity for the general public to learn about and understand new development proposals, and thereafter to comment on the proposals, and to allow the Planning Board, through a special permit process, to make findings of adequacy of design, operation, mitigation and infrastructure so that the project fully serves city development and preservation objectives.”

The last sentence of the first paragraph should be replaced with :

“It is the intent of these procedures to provide a fully interactive public forum by which the Planning Board, city agencies and the public can assess new development proposals at an early stage of design development, so that desirable modifications or alternatives to the project can be identified and discussed . Specifically, negative impacts of a design or traffic nature can be identified so that such impacts can be significantly reduced or eliminated.”

19.11 SEGMENTATION : At least four IPOP projects to date have included awkward issues of segmentation. Usually, the developer begins with an initial construction phases of under 50,000 s.f. and while construction is going on, he applies to the City for an IPOP permit for the next phase. The problem is that “project” under PUD, Conservation Commission and traditional Planning Board interpretations is intended to look at the entire project, not piecemeal elements.

Consent Communication #7

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A communication was received from
the Stephen H. Kaiser, Traffic &
Zoning Consultant, relative to
initial recommendations
on traffic related rezoning. P 02

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In City Council April 3, 2000

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