



CITY OF CAMBRIDGE

Community Development Department

Staff Report

Date: March 13, 2024
Case: **PB-396**
Location: 48-50 Bishop Allen Drive

Given the unique circumstances of this case, we thought it was helpful to provide some background information and to explain why staff supports the Applicant's current request to grant a withdrawal of the special permit application without prejudice.

Flood Resilience Standards

Flood resilience has been a development review topic for City staff since the publication of the first Climate Change Vulnerability Assessment (CCVA) in 2017. The Department of Public Works (DPW) has actively worked with developers to understand the vulnerability of their projects to projected long-term flooding and to recommend measures to promote resilience from projected flooding. Projects that have come to the Planning Board since that time have been reviewed by DPW, which established precedent standards for evaluating flood resilience. Those precedents evolved over time as the City learned more about flood risks and resilience solutions.

In 2017, after considering a citizens' zoning petition on the subject, the City Council directed staff to form a task force of community stakeholders to develop zoning recommendations based on the CCVA. The Task Force met from 2019 to 2021 and released a final report with zoning recommendations in 2022. Staff developed zoning text with input from the Planning Board and the public, and a zoning amendment was adopted by the City Council in February, 2023. The new Flood Resilience Standards (Section 22.80) became mandatory for new buildings beginning in September, 2023.

The Flood Resilience Standards are based on "Long-Term Flood Elevations" (LTFEs) promulgated by DPW, which use climate modeling to project the probability of future flooding over an approximate 50-year timeframe, and are updated from time to time. These LTFEs are made available on the City's online "FloodViewer" tool. The current set of LTFEs were promulgated in March, 2022. DPW is also responsible for promulgating regulations to enforce the Flood Resilience Standards and reviews development for compliance. Draft regulations were made available for public review on June 1, 2023 and were promulgated on September 1, 2023.

PB-396 Background

Dobia Properties Corp. (the "Applicant") filed a special permit application in April, 2023 for a project to demolish an existing building and construct a new residential development with 22 dwelling units within the Business B and Central Square Overlay District. The existing residential building has an elevated

ground story. The Applicant requested multiple special permits from the Planning Board pursuant to Section 20.304 of the Zoning Ordinance, including increased height and waiver of setbacks.

The proposal had been discussed intermittently with staff and in community discussions over several years before the application was filed. DPW staff first contacted the Applicant's team in March, 2019, with information about the city's then current standards for flood resilience. Over the next few years, DPW had contact with the developer's team at various points to provide input and request additional documentation to conduct a thorough review. During that time, the City's Flooding Maps were updated and the Climate Resilience Zoning Task Force met to develop recommendations, leading to the codification of Flood Resilience Standards.

The case was heard by the Planning Board on June 6, 2023. Following a presentation from the Applicant, testimony from the public, and review of written materials from City staff, the Planning Board voted to continue the public hearing to a future date, with requests that the applicant further explore issues of flood resilience, stormwater management, street trees, and urban design. The Planning Board urged the applicant to continue consulting with DPW to submit all information necessary to demonstrate compliance with flood resilience standards. The Applicant and Planning Board agreed to extensions of the time for final decision on 7/27/23, 10/10/23, and 12/20/23. In September, the Flood Resilience Standards that were adopted in February became effective and enforceable as zoning requirements.

Over the next few months, the Applicant's team worked with DPW to provide the necessary documentation to review the proposal against the city's Flood Resilience Standards. The full set of required documentation was received in September, 2023. It was found that the plans do not conform to the Flood Resilience Standards because they propose habitable space that is not protected from the 1% annual probability Long-Term Flood Elevation for the site – specifically, the sleeping and living areas in the two dwelling units proposed at the ground story would not be considered "Protected." The site is located in an area where the 1% LTFEs rise to a few feet above grade.

DPW staff met with the Applicant's team to discuss possible solutions. The Flood Resilience Standards allow the Planning Board to approve, by special permit, modifications to the standards if the project is "designed to meet the intent of the standards in a manner that is more suitable to the unique conditions of the development or the site" and if the City Engineer has reviewed and approved those modifications.

The discussions have not led to a solution that is mutually agreeable to the Applicant and the City Engineer. Alternatives proposed by the Applicant would have relied not on "passive protection," which the standards are intended to provide, but on proactive measures to be taken by the property owner or tenants (current or future) to mitigate impacts to residents. Alternatives suggested by staff, such as relocating habitable space from the ground story or increasing the height of the building, were found by the Applicant not to be financially feasible under current market conditions.

Conclusion

Staff is thankful for the Applicant's willingness to engage, and remains open to discussing potential solutions. We are hopeful that a viable project is possible on this site if new solutions emerge or if financial conditions improve. By accepting the withdrawal of the application without prejudice, the Planning Board would leave open the possibility that a new application for a similar development on the site could be heard without being considered a repetitive petition.