

City of Cambridge, Massachusetts
Planning Board
City Hall Annex, 344 Broadway, Cambridge, MA 02139

SPECIAL PERMIT APPLICATION
CAMBRIDGE PLANNING BOARD

The following material is provided as a guide to submitting a special permit application to the Planning Board. Where more than one special permit is required for a development proposal, only one application need be submitted provided all information required for each special permit is provided. Information not relevant to the special permit being submitted need not be provided.

Part I – Application Form

- a. Cover Sheet
- b. Project Summary

Part II – Fee Schedule

Part III – Narrative and Plan Submittal Requirements

Part IV – Dimensional Form

Part V – Ownership Certificate

Part VI – Certification of Receipt of Plans – Project Review Special Permit (Section 19.20)

- a. Public Works
- b. Traffic, Parking and Transportation
- c. Water
- d. City Arborist

Part VII – Special Permit Administration

- a. Certification to Secure a Building Permit
- b. Certification to Secure an Occupancy Permit

Part VIII – Supplementary Documents

- a. On-site Notification Requirements – All Special Permits (Section 10.42.1)
- b. Special Submittal for Flood Plain Special Permit (Section 20.70)
- c. Criteria for Evaluating Traffic Impacts – Project Review Special Permit (Section 19.20)
- d. Compliance with Leadership in Energy and Environmental Design Please contact CDD to confirm which LEED rating is appropriate for the project.
<http://www.usgbc.org/DisplayPage.aspx?CMSPageID=222>
- e. Certification standards (Section 19.30)
- f. Special PUD Application Information
- g. Registered Solar Energy System on adjacent parcels (Section 22.60)

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a. SPECIAL PERMIT APPLICATION – COVER SHEET

To the Planning Board of the City of Cambridge:

The undersigned hereby petitions the Planning Board for one or more Special Permits in accordance with the requirements of the following Sections of the Zoning Ordinance:

- | | |
|---|---|
| 1. Section 11.12.1 Townhouse Use (≥ 6 units) | 2. Section 17.23.1 Multifamily Use |
| 3. Section 11.15.5.1 Open Space Dimensions | 4. _____ |

Applicant: Young Investments, LLC

Address: 477 Concord Avenue, Cambridge, MA 02138

Telephone: 617 576-9900

FAX: 617 576-9901

Location of Premises: 119-135 Harvey Street

Zoning District: Special District 2 (SD-2) Overlay on Residence B (RB) base

Submitted Materials:

- Plan set dated March 7, 2011, prepared by TKG Architect, 17 Ivaloo St., Somerville, MA, 02143, stamped and signed by Jai Singh Khalsa, Registered Architect, consisting of building elevations, floor plans, solar studies and cross-sections;
- Plan set titled "73-77 West St., Newton, MA", dated March 6, 2007, prepared by VTP Associates, Inc., PLS, Land Surveyors – Civil Engineers, 354 Adams Steet, Newton, MA 02458, stamped and signed Joseph A. Porter, Land Surveyor and Stephen Poole, Registered Civil Engineer, consisting of topographic site plans showing existing conditions and proposed building and drive location
- Landscape Plan, 'Harvey Street Residences, Cambridge, MA - Illustrative Landscape Plan', prepared by Blair Hines Design Associates, dated 7 Mar. 2011

Signature of Applicant: _____

For the Planning Board, this application has been reviewed and is hereby certified complete by the Community Development Department:

Date

Signature of CDD Staff

b. SPECIAL PERMIT APPLICATION – SUMMARY OF APPLICATION

Project Name: Cambridge Lumber
Address of Site: 119-135 Harvey Street
Applicant: Young Investments, LLC
Planning Board Project Number: (CDD)

Hearing Timeline (CDD)

Application Date: March 7, 2011
Planning Board 1st Hearing Date: May 3, 2011 _____ *

(PUD Development Proposal, other special permit)

Planning Board Preliminary Determination: _____ *

(PUD Development Proposal)

Second Submission Date: _____ *

(PUD Final Development Plan)

Planning Board 2nd Hearing Date: _____ *

(PUD Final Development Plan)

Final Planning Board Action Date: _____ *

(PUD Final Development Plan, other special permit)

Deadline for Filing Decision: _____ *

**Subject to extension by mutual agreement of the Applicant and the Planning Board*

Requested Relief: (include other boards and commissions) *It is the sole responsibility of the applicant to accurately determine and list all the relief that will be sought for the project.*

- Historic Commission (demolition) _____
- _____

Project Description

Brief Narrative:

Project Size:

- Total GFA: **44,800 sq. ft.**
- Non-residential uses GFA: **None**
- Site Area (acres and SF): **1.22 acres/53,035 sq. ft.**
- # of Parking Spaces: **29**

Proposed Uses:

- # of Dwelling Units: **25 Townhouses and 4 Flats**
- Other Uses: **None**
- Open Space (% of the site and SF): **49% or 25,950+/- sq. ft.**

Proposed Dimensions:

- Height: **40' (30' to the cornice)**
- FAR: **.65 with 30% bonus to .84**

SPECIAL PERMIT APPLICATION CAMBRIDGE PLANNING BOARD

Part III – Narrative Description

Applicant: Young Investments, LLC

Site: 119-135 Harvey Street	SBL : Block 190, Lots 231 and 257
Zoning: SD-2 Overlay on Residence B (RB)	Lot Area: 53,035 sq. ft.
Current use: Nonconforming Commercial	Prop. Use: 25 Townhouse & 4 multi-family dwellings with accessory parking

Summary:

The petitioner proposes to construct townhouse and multifamily residential buildings on a 53,035 square foot lot that is currently occupied by a nonconforming commercial use comprised of retail, office and light industrial space in several buildings totaling 11,790 square feet. The proposed use consists of twenty-five, 4-story townhouses with attached garage and four multi-family dwelling units in two-story buildings with accessory parking in adjacent garages at grade. The subject development requires: a special permit pursuant to the Cambridge Zoning Ordinance, Sections 11.13 and 17.23.1, compliance with Section 5.1 Table of *Dimensional requirements*.

The following narrative references the requirements, standards and criteria that apply to the special permits requested and describes how the project conforms to those provisions in the Zoning Ordinance

Conformity with SP Standards and Criteria:

A. Use Regulations: Townhouse & Multifamily Dwellings

1. Section **4.30** Table of Use Regulations provides that land, buildings and structures in a Residence B District may be used for Townhouse Development by special permit from the Planning Board in accordance with Section **11.13**. Section **11.12.1** states that construction of a townhouse development containing six (6) or more dwelling units in a Residence B district shall require a special permit.
2. According to the Zoning Map of the City of Cambridge, the subject parcel is also located within the Special District 2 Overlay District. "The uses allowed in the Residence B district shall be equally allowed in Special District 2 except as modified by the following provisions." (see Section **17.23 Use Regulations**). The Special District 2 regulations also provide that "Multifamily Dwelling [use as set forth in] Section **4.31.g** shall be permitted, subject to the special permit requirements for Townhouse development in a Residence B District." (Section **17.23.1** Additional Permitted Residential Uses.)

The proposed use consists of twenty-nine dwelling units consisting of twenty-five, 4-story townhouses with attached garage and four multi-family dwelling units in two-story buildings with accessory parking in adjacent garages at grade.

B. District Dimensional Regulations: Residence B

3. The following table sets forth the applicable dimensional requirements taken from Section 5-1 *Table of Dimensional Requirements – Residential Districts* for uses located in the RB District:

Dimensional Standards	RB District Required /Allowed	Existing
Lot Area	5,000 sq. ft.	53,035 sq. ft.
Lot Area / Unit	1,800 sq. ft.	1,829 sq. ft.
Lot Width	50 ft.	378.87 ft.
Setbacks		
Front	15 ft.	15 ft.
Side	10 ft.	10 ft.
Rear	20 ft.	20 ft.
Floor Area Ratio	.5	0.22
Building Height	35 ft.	27 ft.
Max. # of Stories	3	3
Ground Cover (%)	50	39.4
Min. Usable Open Space (%)	40	0
Parking stalls Dwelling Units	29 sp (1 / du)	29

4. The above standards set forth in Article 5.000 are further regulated and/or modified under Section 11.10 ff. (Townhouse Development) and Section 17.20 ff. (Special District 2).

C. Special Regulations: Townhouse Development

5. According to Section 11.12.5, “Where a townhouse development is constructed on two or more abutting lots, the requirements applicable to the development shall be determined as if the parcel were a single lot.” **The subject project is comprised of two lots, Lot 11 and Lot 14, which are being treated as if they are a single lot.**
6. In a townhouse development there shall be no minimum lot width, except that in Residence B Districts the minimum lot width applicable in the district shall apply (see Section 11.15.1 Minimum Lot Width). **The subject lot width of 387 feet far exceeds the minimum lot width requirement of 50 feet.**

7. In a townhouse development, the maximum permitted floor area ratio [i.e., 0.5] in districts where townhouse developments are permitted shall be as normally applicable in the [Residence B] district (see Section 11.15.2 Maximum Floor Area Ratio). **However, this limitation is over-ridden by the dimensional standard set forth in Section 17.24.1.1** (see below).
8. "In a townhouse development the maximum permitted height shall be four habitable stories and the maximum height of the cornice line shall be thirty (30) feet. ... However, the maximum height of any portion of a townhouse development shall be forty (40) feet, except that in a Residence B district the maximum height shall be thirty-five (35) feet." (see Section 11.15.3 Maximum Height). **However, this limitation is over-ridden by the dimensional standard set forth in Section 17.24.3.3** (see below).
9. Section 11.15.3 also sets forth design criteria for the roofs of townhouses as follows:

Any part of a townhouse structure, which projects above the cornice line shall be set below an imaginary inclined plane beginning at the thirty (30) foot cornice line on any facade of the structure facing a street or facing any lot line abutting a residentially zoned lot, and thereafter rising at a forty-five degree (45°) angle. However, portions of the building may rise above the imaginary inclined plane provided the area of those portions above the inclined plane projected onto the vertical plane does not exceed ten (10) percent of the area of the vertical plane lying between the thirty (30) foot cornice line and the maximum height of the structure, calculated for and limited to each separate plane.

According to the architectural plans submitted the roof designs are compliant with this provision.

10. In a townhouse development the minimum ratio of private open space as defined in Article 2.000 to lot area shall be twenty-five (25) percent or that amount required in the district, whichever is greater. Section 11.15.5.1 *Minimum Private Open Space*, states that the "minimum dimension of any area counted toward required private open space shall be fifteen (15) feet. A ten (10) foot minimum open space dimension may be allowed on special permit [emphasis added] by the Special Permit Granting Authority upon its determination that the peculiarities of the parcel warrant such a reduction, that the smaller dimension will result in a superior site design, and that the total amount of private open space will not be reduced."

The subject parcel has a highly peculiar configuration resulting from the intrusion of three privately-owned lots with frontage on Harvey Street deep into the locus. This creates a unique challenge in the design and implementation of a landscape plan, warrants special permit relief for a reduction in the ten (10) foot minimum open space dimension and will result in a superior site design, with the total amount of private open space not being reduced.

11. In addition to the standards set forth in Section 11.15.5.1, **Section 5.22.1** regulates what areas may be counted toward the minimum open space requirement according to its dimensions, location and accessibility. Section 5.22.3 lists special requirements for Residence B Districts: "At least fifty (50) percent of the required Private open space in these districts shall meet all of the requirements of Section 5.22.1 above. At least fifty (50) percent of the required Private open space shall meet the definition of Permeable Open Space and shall not be subject to the dimensional limitations of Section 5.22.1 as applied to Private

open space.” **The proposed landscape plan for this development meets those standards set forth in Section 5.22.**

D. District Dimensional Regulations: Special District 2

12. Section 17.21 states in relevant part, that, “Except as herein provided this Section 17.20, all requirements of and regulations applicable to the Residence B District shall apply equally to the Special District 2.
13. According to Section 17.24 *Dimensional Requirements*, the dimensional requirements of the Residence B district shall apply to the Special District 2, except as modified by the provisions set forth below:
 - (a) under Section 17.24.1.1 *Maximum FAR.*, the FAR applicable in the Special District 2 shall be **0.65; the proposed FAR is .65 with the added bonus of 30% under Section 11.203.2(b)(1).**
 - (b) under Section 17.24.2.1 the Minimum Lot Area for Each Dwelling Unit shall be one thousand and eight hundred (1,800) square feet; **the proposed lot area per unit is 1,829 sq ft.**
 - (c) under Section 17.24.3.1 *Other Dimensional Requirements*, the provisions of Section 5.53 related to multiple buildings on a lot in Residence B districts shall not apply in Special District 2.
 - (d) under Section 17.24.3.3, the maximum building height shall be forty (40) feet with a cornice height not to exceed thirty (30) feet; **according to the architectural plans submitted the building heights are compliant with this provision.**
14. Section 17.24.3.4 *Additional Special Permit Criteria*, states that, “In evaluating applications for Multifamily or Townhouse Special Permits in Special District 2, in addition to the existing criteria set forth in Section 10.47.4, the Planning Board shall also consider as a criterion the development of residential units of various sizes and with various numbers of bed rooms, with specific attention to three and more bedroom units, with the overall goal of providing dwelling units suitable for diverse household sizes. **The proposed project contains a substantial number of three-bedroom units, which provides the opportunity to accommodate diverse household sizes.**

E. Special Regulations: Affordable Housing

15. Section 11.201 defines, in relevant part, an Inclusionary Project as any residential development containing or creating ten or more new or converted dwelling units or containing 10,000 square feet or more of gross floor area. **The proposed project meets both thresholds for classification as an Inclusionary Project.**
16. Under Section 11.203.2(a) *Requirements for Inclusionary Housing*, states that any “Inclusionary Project shall provide 15% of the total number of dwelling units up to the maximum number allowed as of right as Affordable Units. Where the application of that formula results in a fractional dwelling unit, a fraction of one half of a dwelling unit or more shall be considered as one Affordable Unit.” **With twenty-nine (29) dwelling units being proposed and no increase in the by right density, application of the formula set forth**

in the IHP Plan Summary Form would result in a baseline of 23 units with three (3) Affordable units and three (3) bonus units for a total of 29 dwelling units.

17. Section **11.203.2(b)** states in relevant part, “To facilitate the objectives of this Section 11.200, modifications to the dimensional requirements in any zoning district, as set forth in Section 5.30, shall be permitted as of right for an Inclusionary Project”. The FAR normally permitted in the applicable zoning district for residential uses shall be increased by thirty (30) percent for Affordable Units as set forth in Section 11.203.2 (a) above, and at least fifty percent of the additional FAR should be allocated for the Affordable Units.

The FAR permitted for a residential use in the Special District 2 is 0.65, which shall be increased by thirty (30) percent to .845 to facilitate the objectives of the Inclusionary Housing section. The baseline gross floor area for this project is 34,472.75 square feet (53035 x .65). With the 30% bonus, the baseline is increased to 44,814 square feet. At least one half of the additional floor area of 10,341 sq. ft. (5,171 sq. ft.) will be allocated to the Affordable Units.

F. Off Street Parking Requirements

18. **Section 6.31 Required Amount of Parking**, states that off street parking facilities shall be provided for each use of a lot or structure in the amount specified in the schedule of parking requirements contained in Subsection 6.36. **Section 6.36.1.d Residential Uses** requires 1 space per dwelling unit in a Townhouse Development subject to the qualifications set forth in **Section 11.16**. The qualifications in **Section 11.16** include location of the required spaces within the townhouse structure or a separate structure on the parcel lot. **All of the required 25 parking spaces for the proposed townhouses are contained in garages within each of the townhouse structures.**
19. **Section 6.36.1.g Residential Uses** requires 1 space per dwelling unit for multifamily dwellings subject to the proviso in footnote #3, which advises that the Planning Board may require visitor spaces in excess of the minimum requirement.
20. Section **17.23.1 Additional Permitted Residential Uses** provides that Multifamily Dwelling use as set forth in]Section **4.31.g**, shall be permitted in the SD-2, subject to the special permit requirements for Townhouse development in a Residence B District.” **This provision indicates that the qualifications applicable to the parking regulations for townhouse development under Section 11.16, would apply equally to multifamily dwellings in the SD-2. Accordingly the required parking associated with the multifamily dwellings is also located in garages within the multifamily structures.**
21. With regard to **Bicycle Parking** Section **6.37.4** states in relevant part, that “no accessory bicycle parking shall be required to serve the following uses as listed in the Section 6.36, Schedule of Parking and Loading Requirements: **6.36.1(d)**” [i.e., Townhouse development]. However, for “multifamily residences there shall be one bicycle parking space or locker for each of two dwelling units or portion thereof.” (see Section **6.37.1**). **The submitted plans provided the required bicycle parking.**

F. Project Review Special Permit

22. Section **19.20** requires a special permit for certain projects in the city's commercial and high density residential areas. Those areas are specified in Section **19.22 *Applicable Zoning Districts***, which states that the "Project Review Special Permits shall apply to construction and changes of use located in the following zoning districts.

(1) All Office, Business, and Industrial Districts, any PUD district, and NP districts, and any Special District for which an office, business or industrial district serves as the underlying base regulation (SD-1, SD-3, SD-5, SD-7, SD-8 and SD-11), but excluding the MXD district.

(2) Residence C-1A, C-2, C-2A, C-2B, C-3, C-3A, and C-3B districts, and any Special District for which any one of these residence districts serves as the underlying base regulation (SD-2, SD-6, SD-12 and SD-13) and SD-14.

The subject site is not located in an Office, Business, and Industrial Districts, any PUD district, or NP district, or any Special District for which an office, business or industrial district serves as the underlying base regulation [further SD-2 is not listed in Section 19.22(1)]. In Section 19.22(2) RB is not listed as one of the applicable residence districts. Therefore this regulation does not apply.

Part IV – Dimensional Form

Special Permit #

Address: 119-135 Harvey Street

	Allowed/Required	Existing	Proposed	Granted
Total FAR				
Residential	.65	.22	.65	
Non-Residential	n/a	n/a	n/a	
Inclusionary Bonus	.84	n/a	.84	
Total GFA in Sq. Ft.				
Residential	34,472.75	1,142	34,472	
Non-Residential		10,648	0	
Inclusionary Bonus	44,815	n/a	44,800	
Max. Height	40'	27'	40'	
Range of heights				
Lot Size	5,000	53,035	53,035	
Lot area/du	1,800	n/a	1,829	
Total Dwelling Units	29		29	
Base units	23	1	23	
Inclusionary units	3	0	3	
Min. Lot Width	50	387.78'	387.78'	
Min. Yard Setbacks				
Front	15'/Ave (nlt 10')		7.5'/sum of 20'	
Side, Left	7.5'/sum of 20'	0.5'	7.5'/sum of 20'	
Side, Right	7.5'/sum of 20'	105'		
Rear	25'/35'	0'	25'/35'	
Total % Open Space	40%	3%	49%	
Usable	20%	n/a	25%	
Other				
Off Street Parking				
Min #	29		29	
Max #				
Handicapped	1		1	
Bicycle Spaces	4	0	14	
Loading Bays	n/a	3	n/a	