

b. SPECIAL PERMIT APPLICATION – SUMMARY OF APPLICATION

<p>Project Name: 54 R Cedar Street Address of Site: 54 R Cedar Street Applicant: La Court Family LLC Planning Board Project Number: (CDD)</p>

Hearing Timeline (CDD)

Application Date: _____

Planning Board 1st Hearing Date: _____ *

(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)

- See special permits requested above, as more particularly described in the attached narrative.

Project Description

Brief Narrative: Special permit to allow construction of a three story single family residence with two parking spaces on a lot with an existing single family structure.

Project Size:

- Total GFA: 3,634sf
- Non-residential uses GFA: None
- Site Area (acres and SF): 8,426sf
- # of Parking Spaces: 2 parking spaces

Proposed Uses:

- # of Dwelling Units: 1
- Other Uses: None
- Open Space (% of the site and SF) (49.6%), 4,184sf

Proposed Dimensions:

- Height: 33.6'
- FAR: .5

54 R Cedar Street
AMENDED NARRATIVE FOR SPECIAL PERMIT APPLICATION

12/23/2012

Prepared by Hope Legal Law Offices

A. General Narrative

The Applicant proposes to construct a conforming single family residence and replace an existing two car garage located within the side yard setback with two surface parking spaces sited in the Residence B zoning district.

The lot currently contains a non-conforming 822sf single family residence, a two car garage and additionally provides three surface parking spaces for the property at 55-57 Norris street by a zoning Variance granted in 1973 (see attached zoning decision).

The Applicant proposes to demolish the garage structure and utilize existing driveway providing for conforming parking spaces servicing both principal residences on the lot and the parking for 55-57 Norris Street. The applicant currently owns an ownership interest in both 54 R Cedar and 55-57 Norris Street.

The proposed three story dwelling is dimensionally conforming and only needs relief because a corner portion of the existing 822sf single family is sited greater than 75ft from the property line such that a new conforming structure requires relief under Ordinance section 5.53.

Zoning Relief Requested:

The Applicant is requesting the following relief under the Ordinance in connection with the project.

- Special permit pursuant to section 5.53(a & b) allowing for more than one structure containing a principal residence farther than seventy-five feet from the property line providing the section requirements are satisfied.

Zoning Requirements for Granting Requested Relief

The provisions of the Ordinance set forth below apply to the requested Special Permits for the project. Application of each provision of the Project follows the provision in italics.

A. Generally Applicable Criteria for Approval of a Special Permit

Pursuant to section 10.43 of the Ordinance, Special Permits will normally be granted where provisions of this Ordinance are met, except when particulars of the location or

use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public good because:

- a) It appears that requirements of this Ordinance cannot or will not be met

With the requested Special Permits, the Project will meet all requirements of the Ordinance.

- b) Traffic generated and or patterns of access or egress would cause congestion, hazard or substantial change in established neighborhood character.

No traffic or patterns of access or egress will cause congestion, hazard or substantial change in the neighborhood because the proposed residential use is consistent with the residential character of the existing neighborhood. The proposed parking will be located in the middle portion of the property and utilize the existing driveway for access while still allowing for open contiguous green space.

- c) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use or

The continued operation of adjacent uses will not be adversely affected by the proposed use and the demolition of the existing two car garage will cure the encroachment into the side yard setback. Further the siting of the proposed dwelling will shield the surface parking from the street improving the vacant front yard that currently exists.

- d) Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the Citizens of the City or

No nuisance or hazard will be created to the detriment of the health, safety of the occupants or Citizens of the City by the proposed use and valuable family sized housing will be added to the existing housing stock.

This Project is consistent with Cambridge's goals of health, safety and welfare as set forth in Section 19.30 (Citywide Urban Design Objectives) of the Ordinance to foster development which is responsive to the existing or anticipated patterns of development.

- e) For other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance and

The Project will not impair the integrity of the district in which it is located or the adjacent districts. The Project will not derogate from the intent and purpose of the Ordinance. When complete the Project will be consistent with the residential character of the surroundings neighborhood.

B. 5.53 Special Permit Criteria

Pursuant to section 5.53 of the Ordinance, the Planning Board by Special Permit may allow more than one structure containing a principal residential use on a lot where a portion of all structures are not greater than seventy-five (75) feet from the lot line when the following criteria are met.

- a) That development in the form of two or more structures on the lot will not significantly increase or may reduce the impact of the new construction should it occur in a single structure; or

The proposed location of the single family dwelling allows for conforming constructing that satisfies the dimensional requirements of the ordinance. Due to the unique siting of the non-conforming existing structure, adding the proposed additional residence as a connected townhouse or accessory unit does not fall within the exceptions under article 8.00 and would require a variance from the zoning board.

Further adding the proposed living area to the existing structure would be far less desirable because the allowed massing (2,800sf) would be shifted into the rear yard reducing contiguous open space and vistas.

The proposed two structures will reduce the impact of new construction because the majority of the houses in the surrounding neighborhood are oriented towards the front of the lot creating active walkable streetscapes that is a vast improvement from any design that incorporates the additional construction into one structure.

- b) That two or more structures may provide identifiable benefits beyond that provided should all construction be in a single structure. In making its findings the Board shall consider the impact of the new construction on the following:

1. The extent to which the preservation of a large contiguous open space on the rear of the lot or series of adjacent lots is achieved through the provision of a rear yard setback significantly greater than required and through the dedication of that rear yard Green Area. As defined in the Ordinance,

The proposed single family residence is sited in the front of the lot and preserves the existing contiguous open space of the rear yard. The parking spaces are sited in the middle of the lot and will be largely shielding from the public way. Additionally the site will utilize existing trees and densely planted shrubs to lessen the impact on neighboring abutters.

2. Incentives for the location of buildings and parking facilities in the front half of a lot in a pattern compatible with the development pattern prevailing in the neighborhood.

The proposed siting of the new second structure is consistent with the location of adjacent residences with the neighborhood. As mentioned previously the parking will be sited behind the proposed single family and away from the public view.

3. The extent to which two or more structures provides an enhanced living environment for residents on the lot,

The construction and siting of the proposed single family residence in a separate structure allows for the construction to be located in the most natural and architectural sensitive area on the lot.

Additionally, the owner can eliminate the need for special permit relief by demolishing the corner of the existing house that encroaches into the 75' setback allowing for the proposed single family to be constructed by issuance of a building permit from inspectional services department. This option will negatively impact the livability of the existing 822sf single family, cause economic waste and needless demolition of a sound structure, and would remove the proposed construction from the public process.

Lastly the proposed location of the second structure will provide for an enhanced living environment because a second separate structure will increase light, air and increase privacy as well as locate surface parking to the rear-middle of the lot and not in the view of their front yard.

4. Incentives to retain existing structures on a lot, particularly any structure determined to be a Preferably Preserved Significant structure by the Cambridge Historical Commission.

The proposed single family residence with the new pitched roof style will maintain the architectural style and character of the existing neighborhood and preserve the integrity of the existing single family from needless demolition.

5. The opportunities presented to reduce the visual impacts of parking from the public street and from adjacent lots,

The parking area will be largely screened by the proposed single family structure from the public view and is located in the middle portion of the lot.

The proposed project will cure the setback violation of the existing two car garage and provide for conforming parking spaces satisfying the parking requirement of one space per dwelling unit and associated parking requirements of 55-57 Norris Street. The parking area will be screened by the existing fencing, trees and densely planted shrubs.

6. The increased opportunities presented to reduce visual impacts of parking from the public streets and from adjacent lots.

As stated previously, construction of the additional dwelling unit as one single structure would orient the parking in the front yard, further increase the dimensional non-conformities of the existing structure and provide for an inferior design and living area for the occupants of the structure and the neighborhood.

C. 19.30 Citywide Urban Design Objectives

1. Pursuant to Section 19.31 of the Ordinance, new projects should be responsive to the existing or anticipated pattern of development. Indicators include:

- a) Heights and setbacks provide suitable transition to abutting or nearby residential zoning districts that are generally developed to low scale residential uses.

The project is located in a residential district and the proposed use is consistent in size, scale and character of the surrounding residential uses. The design of the structure has been changed to a pitched roof consistent with the design of the other houses in the neighborhood.

- b) New buildings are designed and oriented on the lot so as to be consistent with the established streetscape on those streets on which the project lot abuts. Streetscape is meant to refer to the pattern of building setbacks and heights in relationship to public streets.

The siting of the proposed dwelling is consistent with the established neighborhood and abutting properties at 54 & 58 Cedar street eliminating the cavernous front yard which extends greater than 60' from the street line. Further the proposed height over the structure is within the allowed height limits provided for in the ordinance.

- c) In mixed-use projects, uses are to be located carefully to respect context, e.g. retail should front onto a street, new housing should relate to any adjacent existing residential use etc.

The project is residential only.

- d) Where relevant, historical context are respected e.g. special consideration should be given to buildings or buildings that are preferably preserved on adjacent to the Site.

There are no neighboring historic buildings that are preferably preserved on or adjacent to the site.

2. Pursuant to Section 19.32 of the Ordinance, development should be pedestrian and bicycle-friendly, with a positive relationship to its surrounding. Indicators include

(a) Ground floors, particularly where they face public streets, public parks, and publicly accessible pathways, consist of spaces that are actively inhabited by people, such as retail stores, consumer services businesses and restaurants where they are allowed, or general office, educational or residential uses and building lobbies. Windows and doors that normally serve such inhabited spaces are encouraged to be prominent aspect of the relevant building facades. Where a mix of activities are accommodated in the building, the more active uses are encouraged facing public street, parks and pathways.

In commercial districts, such active space consists of retail and consumer service stores and building lobbies that are oriented towards the street and encourage pedestrian activity on the sidewalk. However, in all cases such ground floor spaces should be occupied by uses (a) permitted in the zoning district within which the structure is located, and (c) compatible with the principal use for which the building is designed.

N/A

(b) Covered parking on the lower floors of a building and on-grade open parking, particularly where located in front of a building, is discouraged where a building faces a public street or public park and publicly accessible pathways.

N/A

(c) Ground floors should be generally 25-50% transparent. The greatest amount of glass would be expected for retail uses with lesser amount for office, institutional or residential use.

N/A

(d) Entries to buildings are located so as to ensure safe pedestrian movement across street, encourage walking as preferred mode of travel within the city and to encourage the use of public transit for employment and other trips. Relating building entries as directly as possible to crosswalks and to pathways that lead to bus stop and transit stations is encouraged; siting buildings on a lot and developing site plans that reinforce expected pedestrian pathways over the lot and through the district is also encouraged.

The entry to the proposed single family will face the street and provide a rear access to the shielded parking area.

(e) Pedestrians and bicyclists are able to access the site safely and conveniently; bicyclists should have, secure storage facilities conveniently located on-site and out of the weather. If bicycle parking is provided in a garage, special attention must be paid to providing safe access to the facilities from the outside.

Bicycle parking will be consistent with the requirements of the ordinance specifically article 6.00.

(f) Alternate means of serving this policy objective 19.32 through special building design, siting, or site design can be anticipated where the building form or use is distinctive such

as freestanding parking structures, large institutional buildings such as churches and auditoriums, freestanding service buildings, power plants, athletic facilities, manufacturing plants, etc.

N/A

3) Pursuant to Section 19.33 of the Ordinance, the building and site design should mitigate adverse environmental impacts of the development upon its neighbors. Indicators include:

The building design will mitigate adverse environmental impacts by eliminating the large vacant front yard area along the existing driveway and decrease the hard surface where possible and respecting all setbacks for the new structure. The proposed dwelling will continue the active street scape along Cedar street to a corner area that has no sidewalk and presently appears like an unused lot.

a) Mechanical equipment that is carefully designed, well organized or visually screened from its surroundings and is acoustically buffered from neighbors. Consideration is given to the size, complexity and appearance of the equipment, its proximity to residential areas, and its impact on the existing streetscape and skyline. The extent to which screening can bring order, lessen negative impacts and enhance the overall appearance of the equipment should be taken into account.

The project is designed to minimize negative impacts on its surroundings and enhance the overall appearance of the existing streetscape. In fact the Project significantly improves the appearance of the Site by demolishing the existing garage and replacing it with conforming landscaped parking areas.

b) Trash that is handled to avoid impacts (noise, odor, and visual quality) on neighbors e.g. the use of trash compactors or containment of all trash storage and handling within a building is encouraged.

The trash/recycling storage and handling for the residence will be located away from the public view and handled to minimize odor through the use of covered trash receptacles. . In compliance with the Ordinance, no refuse storage areas are located in the front yard setbacks.

c) Loading Docks that are located and designed to minimize impacts (visual and operational) on neighbors.

N/A

d) Stormwater Best Management Practices and other measures to minimize runoff and improve water quality are implemented.

N/A

e) Landscaped areas and required Green Area Open Space, in addition to serving as visual amenities, are employed to reduce the rate and volume of storm water runoff compared pre-development conditions.

N/A

f) The structure is designed and sited to minimize shadow impacts on neighboring lots, especially shadows that would have a significant impact on the use and enjoyment of adjacent open space and shadows that might impact the operation of a Registered Solar System as defined in Section 22.60 of the Ordinance.

The residence is sited adjacent to the street and will not cast shadow that significantly impact the use and enjoyment of adjacent open spaces.

g) Changes to the grade across the lot are designed in ways to minimize the need for structural retaining walls close to the property line.

No changes to the grade are proposed that would require structural retaining walls.

h) Building Scale and wall treatment, including the provision of windows, are sensitive to existing residential uses on adjacent lots.

The Project is designed to be congruous with the residential abutters by implementing plantings of shrubs and trees along the rear property line and maintaining the appropriate distances along the sensitive edges of the property.

i) Outdoor lighting is designed to provide minimum lighting necessary to ensure adequate safety, night vision and comfort, while minimizing light pollution.

Residential lighting along the front and side yard areas and parking areas will provide safe lighting enhancing the visual landscape in the evenings.

j) The creation of Tree Protection Plan that identifies important trees on the site, encourages their protection, or provides for adequate replacement of trees lost to development on the site.

The new tree species being proposed are consistent with Ordinance requirements.

4) Pursuant to Section 19.34 of the Ordinance, projects should not overburden the City infrastructure services, including roads, city water supply system and sewer system.

a) The building and site design are designed to make use of water-conserving plumbing and minimize the amount of stormwater run-off through the use of best management practices for stormwater management.

Water-conserving plumbing fixtures will be used in keeping with residential industry standards and as required to meet LEED standards.

b) The capacity and condition of drinking water and wastewater infrastructure systems are shown to be adequate, or the steps necessary to bring them up to an acceptable level are identified.

The lot has an existing single family structure and the current infrastructure is sufficient to accommodate the conforming residential use.

5) Pursuant to Section 19.35 of the Ordinance, new construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically. Indicators include

a) New Educational institutional construction that is focused with the existing campuses.

N/A

b) Where institutional construction occurs in commercial areas, retail, consumer service enterprises, and other uses that are accessible to the general public are provided at the ground (or lower) floors of buildings. Where such uses are not suitable for programmatic reasons, institutional uses that encourage active pedestrian traffic to and from the site.

N/A

c) In large, multiple-building, non-institutional developments, a mix of uses, including publicly accessible retail activity, is provided where such uses are permitted and where the mix of uses extends the period of time the area remains active throughout the day.

N/A

d) Historic structures and environments are preserved.

N/A

e) Preservation or provision of facilities for start-up companies and appropriately scaled manufacturing activities that provide a wide diversity of employment paths for Cambridge residents as a component of the development; however, activities heavily dependent on trucking for supply and distribution are not encouraged.

N/A

6) Pursuant to Section 19.36 of the Ordinance, expansion of the inventory of housing in the City is encouraged. Indicators include

a) Housing is a component of any large, multiple building commercial development. Where such development abuts residential zoning districts substantially developed to low-scale residential uses, placement of housing within the development such that it acts as a transition/buffer between uses within and without the development.

b) Where housing is constructed, providing affordable units exceeding that mandated by the Ordinance. Targeting larger family-sized middle income units is encouraged.

The Project is a three story single family structure that will be suitable for family housing.

7) Pursuant to Section 19.37 of the Ordinance, enhancement and expansion of open space amenities in the city should be incorporated into new development in the city. Indicators include:

a) On large-parcel commercial development, publicly beneficial open space is provided.

N/A

b) Open space facilities are designed to enhance or expand existing facilities or to expand networks of pedestrian and bicycle movement within the vicinity of the development.

c) A wider range of open space activities than presently found abutting area is provided.

The residential project will increase the percentage of private open space on the lot and remove an existing garage located in the rear of the property increasing the open vista of the backyard area.

IV. CONCLUSION

As described above, the Project is appropriate for the site and surroundings providing additional family friendly housing. Additionally the siting of the proposed residential structure will preserve contiguous open space in the rear yard while reducing the visual impacts of parking from public streets. Accordingly, for the reason set forth in this application, the Applicant respectfully requests that the Board find that the Project satisfies all applicable requirements of the Ordinance in connection with the granting of the requested Special Permits.