



**b. SPECIAL PERMIT APPLICATION – SUMMARY OF APPLICATION**

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

Application Date: \_\_\_\_\_

Planning Board 1<sup>st</sup> Hearing Date: \_\_\_\_\_ \*

*(PUD Development Proposal, other special permit)*

Planning Board Preliminary Determination: \_\_\_\_\_ \*

*(PUD Development Proposal)*

Second Submission Date: \_\_\_\_\_ \*

*(PUD Final Development Plan)*

Planning Board 2<sup>nd</sup> 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**  
**NARRATIVE FOR SPECIAL PERMIT APPLICATION**

**07/30/2012**

**Prepared by Hope Legal Law Offices**

**A. General Narrative**

The Applicant proposes to construct a conforming three story single family residence with two parking spaces in the rear of the property. The lot is located in the Residence B district sited on an 8,426sf parcel. The site currently contains an existing 822sf single family structure with a covered parking garage.

The Applicant proposes to demolish existing garage structure and utilize existing driveway providing for conforming parking spaces servicing both principal residences on the lot.

The proposed three story single family residence 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 in violation of 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 allowing for more than one structure containing a principal residence farther than seventy-five feet from the property line.

**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 rear 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 garage will provide for an increase in private open space as defined in article 2.0.*

- 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 Citizens of the City by the proposed use and valuable family style 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. 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.*

- 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 Project sites the proposed residential structure facing Cedar street consistent with the existing street scape.*

- 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.

N/A

(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.

N/A

(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 decreasing the hard surface where possible and respecting all setbacks for the new structure.*

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.*

**OWNERSHIP INFORMATION FOR PLANNING BOARD**

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

LaCourt Family LLC

(Petitioner)

Address: c/o Sean D. Hope, Esq. 130 Bishop Allen Drive Cambridge, MA 02139

Location of Premises: 54 R Cedar Street

the record title standing in the name of LaCourt Family LLC

whose address is 30 College Ave Somerville MA  
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex County Registry of Deeds in

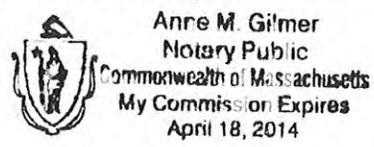
Book 57243 Page 209 or \_\_\_\_\_ Registry

District of Land Court Certificate No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

Sean D. Hope  
Authorized Agent for owner

On this 16 day of December, 2009, before me, the undersigned notary public, personally appeared Sean D. Hope proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Anne M. Gilmer  
Notary Public  
My commission expires: APRIL 18, 2014



**DIMENSIONAL FORM**

**Project Address:** 54R Cedar St

**Application Date:**

	<b>Existing</b>	<b>Allowed or Required (max/min)</b>	<b>Proposed</b>	<b>Permitted</b>
Lot Area (sq ft)	8,426	5,000 min	8,426	
Lot Width (ft)	45' - 56'-4" +/-	50'	45' - 56'-4" +/-	
Total Gross Floor Area (sq ft)	1637	3,699	4125	
Residential Base	N/A	N/A	N/A	
Non-Residential Base	N/A	N/A	N/A	
Inclusionary Housing Bonus	N/A	N/A	N/A	
Total Floor Area Ratio	822 / 8,426 = .09	.5 (5,000)=2,500 .35(3426)=1,199 =3,699	3,634/ 8,426= .43	
Residential Base	N/A	N/A	N/A	
Non-Residential Base	N/A	N/A	N/A	
Inclusionary Housing Bonus	N/A	N/A	N/A	
Total Dwelling Units	1	2	2	
Base Units	N/A	N/A	N/A	
Inclusionary Bonus Units	N/A	N/A	N/A	
Base Lot Area / Unit (sq ft)	N/A	N/A	N/A	
Total Lot Area / Unit (sq ft)	N/A	N/A	N/A	
Building Height(s) (ft)	23'-9"	35	33.66	
Front Yard Setback (ft)	78'-1"	15	15	
Side Yard Setback – North(ft)	3'-0"	7'-6" (sum20')	12'-6"	
Side Yard Setback – South(ft)	29'-3"	7'-6" (sum20')	7'-6"	
Rear Yard Setback (ft)	72'-3"	75'	114'-5"	
Open Space (% of Lot Area)	65	40	49.6	
Private Open Space	65	N/A	49.6	
Permeable Open Space	65	N/A	49.6	
Other Open Space (Specify)	N/A	N/A	N/A	
Off-Street Parking Spaces	2	5	5	
Bicycle Parking Spaces	N/A	N/A	N/A	
Loading Bays	N/A	N/A	N/A	

**Use space below and/or attached pages for additional notes:**