



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Permit No: #205
Address: Vail Court/aka 139 Bishop Allen Drive
Applicant/Owner: Sixty-Six Realty Trust,
Zoning District: Residence C-1
Application Date: January 6, 2005
Public Hearing: March 1, 2005
Planning Board Decision: April 5, 2005
Date of Filing Decision: May 27, 2005

2005 MAY 27 AM 18
CITY OF CAMBRIDGE
PLANNING BOARD

Application: Multifamily Special Permit (Section 4.26) to construct 30 housing units with 65 parking spaces. This proposal also requires Board of Zoning Appeal relief for lot area per dwelling unit, front setback and the height limit.

Decision: GRANTED with conditions.

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after the filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on with the City Clerk and the Community Development Department, 344 Broadway, Cambridge, MA 02139

Authorized Representative to the Planning Board

For more information regarding this special permit, please contact Liza Paden at the Community Development Department, 344 Broadway, Cambridge, 617 349 4647. TTY 617 349 4621, or lpaden@cambridgema.gov.

Application Documents

Special Permit application including Ownership Certificate; drawings titled Vail Court Residences, dated December 15, 2004; Project Narrative; Site Conditions; Building Details; dimensional form; Mid Cambridge Conservation Commission Certificate of Appropriateness; and an extension dated 9/7/04.

Other Documents Submitted

Copy of letter to Mohammad Abu Zahra, Trustee, from Sally Zimmerman, Cambridge Historical Commission, dated 2/9/05.

Letter to the Planning Board from Jason Schrieber, dated 2/2/05.

Letter to the Planning Board from Karen Engels. et al, dated 2/22/05.

Amended application documents dated March 28, 2005; narrative, dimensional form, summary of application as well as revised plans sheets A5 - 18 and A21 and 22.

Findings

Based on its review of the application documents, supplemental materials, and other documents submitted to the Board, testimony taken at the public hearing and submitted in written form to the Board, and the review and consideration of the relevant special permit criteria, the Planning Board makes the following findings based on the revised plans submitted to the Board and dated March 28, 2005:

1. Conformance with the Criteria for Multifamily Housing – Section 10.47.4

a. Key features of the natural environment should be preserved to the maximum extent possible.

The new plans for this development follow the pattern of the buildings currently on the site. The developer has put together a tree protection plan, reviewed by the City Arborist to protect existing trees during construction and to monitor the future health of the remaining trees. As the site is principally paved or covered with buildings, most significant trees are located along the edges of the site and in the city sidewalk.

b. New building should be related sensitively to the existing built environment.

The new buildings will be located so as to provide open space areas between existing residential uses and the new building. The large area of surface parking will be transformed into green open space and plazas, as most parking will be located in an underground garage. The larger massing of the structure on Bishop Allen Drive will not be inconsistent with the existing residential building heights on same side of the street and will hold its own with the larger scaled structures (as at the YWCA) across the street. The buildings will be closest to the property line to the right of the site adjacent to the large parking lot fronting on Prospect Street

c. The location, arrangement, and landscaping of open space should provide some visual benefits to abutters and passersby as well as functional benefits to the occupants of the development.

The open space will be principally located abutting the existing residential buildings on St. Paul Street and Austin Park.

The access drive to the below grade parking will be landscaped along the common property line with the Austin Park. All parking except for the accessible spaces will be located below grade, thus providing more open space at grade.

d. Parking areas, internal roadways and access/egress points should be safe and convenient.

The parking layout and access has been reviewed by the Traffic, Parking and Transportation Department. Further review will occur as the final drawings are developed. A single access point will be provided.

e. Parking area landscaping should minimize the intrusion of on site parking.

Parking is below grade except for the accessible spaces, freeing up much of the grade area for open space and landscaping. Entry into the below grade garage is accomplished as close to the site entry as possible to provide the maximum amount of above grade green space and pedestrian amenities. The driveway will be landscaped so as to screen it from the adjacent properties.

f. *Service facilities should be located so that they are convenient for residents, yet unobtrusive.*

Service facilities will be located within the structures and be properly screened from abutters while being accessible to the occupants of the buildings.

2. Conformance with the General Criteria for Issuance of a Special Permit- Section 10.43

A special permit will normally be granted where specific provisions of this Ordinance are met, except when the particulars of the location or use, not generally true of the district or of the uses permitted in the district, would cause granting of such permit to be to the detriment of the public interest for the following reasons:

a. The Requirements of this Ordinance cannot be met.

While the granting of this Multifamily Special Permit is required, the applicant must also apply for a Board of Zoning Appeal variance for dimensional relief (including numbers of units and FAR). The Planning Board finds that there are mitigating conditions, such as the density of adjacent residential development in the Residence C-1 district and the recent change in the Lot Area Per Dwelling Unit regulations, that justify the granting of the special permit with the condition that the required variances be subsequently granted; the new buildings have limited, if any, adverse impacts beyond those created by the existing structures to be replaced. The Planning Board leaves it to the Board of Zoning Appeal to make the findings necessary to allow the granting of the requested variances.

b. Traffic Generated or patterns of access or egress will cause congestion, hazard, or substantial change in established neighborhood character.

The traffic generated by 30 units of residential use on Bishop Allen Drive will not cause any change in the established neighborhood character. The proposal will provide onsite parking for 45 vehicles, up only slightly from the current number. The project is within a five-minute walk of the Central Square T station as well as the numerous bus routes that serve Central Square. The driveway will be in a similar location to the existing driveway.

c. The continued operation of the development of adjacent uses as permitted in the Zoning Ordinance will be adversely affected by the nature of the proposed use.

The project is located in the Residence C-1 district, is exclusively residential and will not adversely impact the abutting residential uses, or the office use across Bishop Allen Drive. The large underdeveloped parking lot abutting this 30-unit proposal is also partially in the Residence C-1 district and will not be adversely impacted. While slightly larger, in number of units and Gross Floor Area, than permitted in the C-1 district, the Board believes it can be demonstrated that that added density is not dissimilar to densities found on adjacent lots. The Board has advised the Petitioner to make that demonstration to the Board of Zoning Appeal when making the variances requests.

d. Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City.

No nuisance or hazard will occur as a result of the proposed project. The project meets all health, safety, and noise standards. Mechanical systems in particular have been carefully designed and located so as not to adversely impact the adjacent neighborhood in any significant way.

e. For other reasons, the proposed use will impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance.

The residential use will continue on this site providing units in the Central Square neighborhood. This is the intent of the Residential C-1 district.

3. Conformance with the Urban Design Findings in Section 19.30.

19.31 – New Project should be responsive to the existing or the anticipated pattern of development.

The project has been substantially reviewed by the Mid Cambridge Neighborhood Conservation District Commission and has been found to be appropriate as well as uniquely designed. The applicant has been very responsive to the concerns and comments of his abutters as well as City Staff as to the site layout as well as the building designs. The most intrusive feature of the existing

development of the lot, the large surface parking lot, has been eliminated.

19.32 – Development should be pedestrian and bicycle friendly, with positive relationship to its surroundings.

The Bishop Allen Drive façade has been designed to complement the abutting residential use on the street as to height and orientation and to maintain a pleasant relationship to the street. The building is 35 feet tall, there are active pedestrian entries to the front building, and the driveway will be scaled to be residential in character.

19.33 – The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.

The revised site design has been modified to locate the garage access away from the rear property line; it will be buffered with landscaping from adjacent Austin Park residents. The driveway is located on Bishop Allen Drive near its current location. A large conforming, landscaped rear yard will be located next to St. Paul Street and the buildings will be located on the opposite side of the lot from Austin Park.

19.34 – Projects should not overburden the city infrastructure services, including neighborhood roads, city water supply system and sewer system.

The Public Works Department has reviewed the proposal and existing utility easements will be incorporated into the site design. Should that not be feasible, further review of the project will be required.

19.35 – New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.

The design will complement the existing YWCA building across Bishop Allen Drive as well as match the height of the abutting residential building. The entire project appears to be similar in density to abutting residential development. A more friendly presence on the street will be established than exists now with the buildings to be demolished.

19.36 – Expansion of the inventory of housing in the city is encouraged.

There will be 30 additional dwelling units.

19.37 – Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.

There will be a large expanse of open space at the rear of the property abutting the St. Paul Street neighbors. The Bishop Allen Drive façade will be pedestrian in scale, with appropriate entries onto the street from the front building.

Decision

Based on a review of the application documents, comments made at the public hearing, and based on the above findings, the Planning Board **GRANTS** the requested Project Review Special Permit subject to the following conditions and limitations:

1. All use, building construction and site plan development shall be in substantial conformance with the updated plans and application documents submitted to the Planning Board as referenced above, dated March 28, 2005. Appendix I summarizes the dimensional features of the Project as approved.
2. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of the first Building Permit for the project after the granting of this special permit, the Community Development Department (CDD) shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Permit.
3. The project will continue to undergo review with the City Engineer as to the utility easements on the property.
4. All authorized development shall conform to the requirements of the City of Cambridge *Noise Control Ordinance*, Chapter 8.16 of the City Municipal Code.

Voting in the Affirmative to GRANT the Special Permit were B. Shaw, H. Russell, P. Winters, L. Brown, T. Carpenter and J. Molinsky Associate Member appointed by the Chair to this application review, constituting at least two thirds of the members of the Planning Board necessary to grant a Special Permit.

For the Planning Board


Barbara Shaw, Chair

A copy of this decision, #205 shall be filed with the City Clerk. Appeals if any shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on May 27, 2005 by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date or as part of the original application.

Twenty (20) days have elapsed since the filing of the decision.
No appeal has been filed.
DATE:

Appendix I – Dimensional Form

Special Permit #	205	Address: Vail Court/139 Bishop Allen Drive		
	Allowed/Required	Existing	Proposed	Granted*
Total FAR	.98	.88	1.21	.98
Residential	.75		.93	.75
Non-Residential				
Inclusionary Bonus	.23		.28	.23
Total GFA in Sq. Ft.	27,473		34,208	27,473
Residential	21,133	24,840	26,314	21,133
Non-Residential				
Inclusionary Bonus	6,340		7,894	6,340
Max. Height	35' 0"	38'	35' 0" – 39' 0"	35'
Range of heights				
Lot Size	5,000	28,177	28,177	28,177
Lot area/du	1,500	1,174	939	1,500
Total Dwelling Units	25	24	30	25
Base units	19			19
Inclusionary units	6			6
Min. Lot Width	50' 0"	100'	100'	100'
Min. Yard Setbacks				
Front	10'	0	2' 7 1/4"	10'
Side, Left	16' 6", 18' 0"	64' 4"	21' 1"-50'-10"	16' 6", 18' 0"
Side, Right	16' 6", 18' 0"	1' 0"	7' 5", 11' 0"	16' 6", 18' 0"
Rear	30' 0"	70' 4"	34' 9"	30' 0"
Total % Open Space	30%	10%	49%	49%
Usable	15%	5%	49%	49%
Other	15%	5%	0%	
Off Street Parking	30	40	45	45
Min #	30	24	30	
Max #				
Handicapped	2	0	0	
Bicycle Spaces	15	0	15	15
Loading Bays	-	-	-	-

* requires Board of Zoning Appeal variances.