



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Permit No: #205, Major Amendment #1

Address: 9-15 Vail Court/139 Bishop Allen Drive

Applicant/Owner: Six-S Realty Trust, Mohammad S Abu-Zahra, Trustee, 1-15 Vail Court, Cambridge, Massachusetts 02139

Zoning District: Residence C-1

Original Permit Approval: April 5, 2005

Application Date for the Major Amendment: September 30, 2005

Public Hearing: October 18, 2005

Planning Board Decision on the Major Amendment: November 1, 2005

Date of Filing Decision: January 12, 2006

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CITY CLERK
CITY OF CAMBRIDGE, MASSACHUSETTS

Application: Multifamily Special Permit (Section 4.26) to construct 24 housing units with 42 parking spaces. A special permit is requested to reduce the setback required for on-grade open parking, (Section 6.44.1) as permitted in Section 10.45 of the Zoning Ordinance, for two handicapped spaces and the access drive.

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 *[Signature]*
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

1. Special Permit Application – Summary of Application with revised Appendix I – Dimensional Form.
2. Plans entitled “Vail Court Residences, 139 Bishop Allen Drive, Cambridge, Ma. 02139”; ZNA/Zeybekoglu Nayman Associates, Inc., architects; Revised August 26, 2005; Sheets A-05 – A-17.
3. Plans entitled “Vail Court Residences, 139 Bishop Allen Drive, Cambridge, Ma. 02139”; ZNA/Zeybekoglu Nayman Associates, Inc., architects; Revised October 13, 2005; Sheets A-05 – A-07; with revised Special Permit Application - Summary of Application and revised Appendix I – Dimensional Form.
4. Plans entitled “Vail Court Residences, 139 Bishop Allen Drive, Cambridge, Ma. 02139”; ZNA/Zeybekoglu Nayman Associates, Inc., architects; Revised November 1, 2005; Sheets A-05 – A-07

Other Documents Submitted

1. Certificate of Appropriateness, Mid Cambridge Neighborhood Conservation District Commission, signed by Steven Cohen, Vice Chair, dated May 15, 2005.
2. Letter to the Planning Board from Karen Engels dated August 31, 2005, with attachments to Andy Bram dated July 14 and August 25.
3. Letter to the Planning Board from Karen Engels, undated.
4. Letter to the Planning Board from six residents of St. Paul Street, received October 11, 2005.
5. Letter to Barbara Shaw, Chair, Planning Board, from Sally Zimmerman, Preservation Planner, Mid Cambridge Neighborhood Conservation District, dated October 18, 2005
6. Email to Liza Paden from Austin Lin dated October 26, 2005.
7. Letter to the Planning Board from Therese Flynn Eckford and family, dated October 27, 2005.
8. Email to Liza Paden for the Planning Board from Heather Nelson dated October 27, 2005.

9. Letter to Samira Jallal from Sally Zimmerman, Preservation Planner, Mid Cambridge Neighborhood Conservation District, dated November 9, 2005

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 August 23, October 13 and November 1, 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 edges of the site are lined with trees, which vary in species, quality and caliper. Generally, those greater than eight inches will be saved, including the large tree at the sidewalk on Bishop Allen Drive and to the rear of the property. The site is otherwise mostly paved for parking or covered with the two existing buildings on the site. Additional plantings will be made throughout the site.

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

The site is abutted on two sides by residential developments that are similar in character to the four structures proposed on Vail Court: Austin Court is a cul-de-sac containing five multifamily two-story structures, and St Paul Street is a dead-end street lined with large two and a half story two-family structures. The third side is abutted by a large parking lot fronting on Prospect Street that is likely to be developed more substantially in the years ahead. While the Austin Court buildings are not as tall as those proposed on Vail Court, they are much longer as they abut the shared side property line (90 feet vs. 50 feet) and they are only set back five feet from that line.

The Vail Court structures address the shared Austin Court side property line in the same way as the Austin Court buildings do, i.e. rear of the buildings facing the property line. However, the four Vail Court structures provide at least the required side yard setback (two of the structures provide an additional couple of feet than required),

unlike the Austin Court buildings, which are non-conforming in that regard with setbacks of about five feet.

The Vail Court building farthest from Bishop Allen Drive is more than thirty-five feet from the rear property line shared with the St. Paul Street houses, which are themselves also non-conforming as to rear yard setbacks.

The yard setbacks abutting the Austin Court and St. Paul Street properties will be substantially landscaped with trees, lawns and shrubs.

The original plan for this site, approved by the Planning Board on April 5, 2005, to which this proposal is a Major Amendment, oriented the buildings toward the currently vacant Prospect Street lot and provided very wide spacing between the Vail Court and Austin Court buildings (an arrangement preferred by many Austin Court residents).

This alternate plan is, nevertheless, reasonable in the Board's view as it is conforming to the requirements of the Residence C-1 zoning district, is preferred by the applicant for its better orientation of the building entries toward a wide open space on the lot that is in the full control of the owner, provides a reasonable (as well as conforming) setback from Austin Court (and a very generous setback from St. Paul Street) that will be well landscaped, and otherwise presents an attractive face to the public street along Bishop Allen Drive.

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.

As the accessory parking for the development will be located in an underground garage, the surface of the lot can be devoted to more landscaping than is the case with the current development on the site and than would be the case if alternate conforming schemes were approved with surface parking. Significant landscaping will be provided along the critical edges between the proposed buildings and the adjacent Austin Court and St. Paul Street buildings. A generous front yard is provided for the building fronting on Bishop Allen Drive, which provides the opportunity for landscaping of benefit to the general public passing by. Much of the interior of the site will be devoted to plaza and landscaping features that will be of benefit to the residents of the complex.

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

The parking layout and access drive have been reviewed by the Traffic, Parking and Transportation Department and found to be adequate. Parking will be located below grade in a garage with the exception of two spaces at grade to serve handicapped residents. The entry to the garage will be at the rear of the site via a ramp that will only be partially covered within the normal 20-foot rear yard setback adjacent to St. Paul Street. The Planning Board has required that the access ramp be substantially covered within that 20-foot dimension from the rear property line. Access onto the site is at an appropriate location, opposite the Temple Street intersection with Bishop Allen Drive.

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

Parking is below grade except for the accessible spaces and the access drive to the garage, freeing up much of the site at grade for open space and landscaping.

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.

All requirements of the Ordinance will be met with the issuance of this Special Permit.

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

The traffic generated by 24 units of housing on Bishop Allen Drive will not cause any change in the established neighborhood character. The proposal will provide onsite parking for 34 vehicles, which is less than the number of parking spaces currently found on the site. The project is within a five-minute walk of the Central Square MBTA station as well as the numerous bus MBTA routes that serve Central Square. The driveway is in the most functional location for access to the site.

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 and institutional uses found 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. The density and form of the development is similar to densities and housing forms found on adjacent developed lots, and is similar to what would be expected to be developed in the future on the adjacent Prospect Street parcel.

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 will meet 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.

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 residential housing at a modest density 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 extensively reviewed by the Mid Cambridge Neighborhood Conservation District Commission and has been

found to be appropriate for its location as a replacement for the existing residential structures; it is well designed with a distinctive style. The applicant has been very responsive to many of the concerns and comments from his abutters as well as from City staff, particularly as those comments were directed to the previously approved scheme and especially with regard to the number of parking spaces provided. The most intrusive feature of the existing development on the lot, the large surface parking lot, has been eliminated.

The Planning Board has required that the entry ramp to the garage be covered and landscaped above within the customary 20-foot rear yard setback at the rear of the site so that the movement of cars in and out of the garage does not unreasonably impact residents on St. Paul Street.

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 uses on the street as to height, orientation and setback. It establishes a pleasant relationship to the street. The building is 35 feet tall, there are active pedestrian entries, and the setback provides the opportunity to landscape the front yard to the benefit of those who pass the site on the sidewalk.

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

The revised plan has placed the buildings along the Austin Court side of the lot. While providing somewhat less light and space to the Austin Court residents than they have enjoyed with the current development on the site, or with the plan as approved by the Planning Board in the original special permit, this revised design is reasonably located on its lot and appropriately scaled to its surroundings. It meets all dimensional requirements of the Residence C-1 district, establishes a relationship with the buildings on Austin Court that is typical, customary and common for development in that zoning district and in the Central Square neighborhood surrounding the project. The setbacks provided will be landscaped and not accessible to vehicles, with the exception of the access drive and ramp to the garage along the site abutting Prospect Street ---this is currently used for parking.

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 and will be consistent with the height of the abutting residential building. The entire project is similar in density to abutting residential developments, which tend to be somewhat denser than allowed in the Residence C-1 district. A more friendly presence on the street will be established than exists now with the current buildings.

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

There will be 24 additional dwelling units, including the Section 11.200 affordable 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 and in front of the structures as they face toward Prospect Street. No publicly accessible open space will be created.

4. Conformance with Standard for Waivers of Parking setback Requirements, Section 6.44.1 (g).

The Planning Board may waive the five-foot setback required for parking spaces and driveways if the specific development context favors such a modification. In this instance the proposal would reduce the setback to four feet along the side lot line shared with the Prospect Street lot. The reduction is necessary in order to allow a further setback of the center two buildings in the development scheme from the Austin Court side lot line while maintaining an adequate width along the access drive. As the additional three feet of yard created along the Austin Court edge makes a significant improvement in the development's relationship to that

existing complex of apartments, both by providing some additional green space and by varying the alignment of the facades of the four buildings as they face Austin Court, a one foot reduction driveway setback on the opposite side of the lot, adjacent to a parking lot, is a reasonable tradeoff without significant negative consequences.

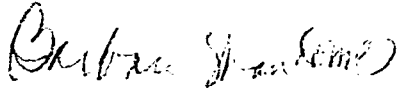
Decision

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 Special Permit to permit the construction of 24 multifamily units in a Residence C-1 district and to permit a reduction in the side yard setback for the access drive 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 August 26, 2005 as modified by plans dated November 1, 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. A detailed landscape plan, including all measures to be taken to protect existing trees to be retained during construction (as illustrated on the application documents) as reviewed and approved by the City Arborist, will be submitted for review and approval by the Community Development Department before issuance of any Building Permit.
5. The November 1, 2005 plans shall be modified so that the access ramp to the underground garage is covered within the customary 20-foot setback to the rear of the property.
6. 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, T Anninger, W. Tibbs 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, Major Amendment #1 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 January 12, 2006 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:

