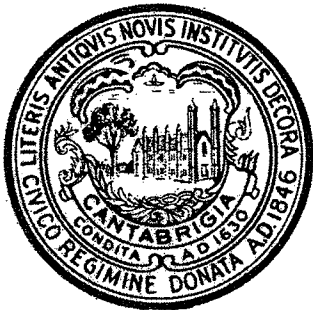




CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2012 MAY 17 PM 1 24

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	269
Address:	563/603 Concord Avenue, Cambridge MA and 19 Wheeler Street, Cambridge MA
Zoning:	Business A, Residence C-2B, Alewife Overlay District 5 – Shopping Center, and Parkway Overlay District
Applicant:	Abodez Acorn CW LLC c/o Hope Legal Law Offices
Owner:	Abodez Acorn CW LLC, 277 Broadway, Cambridge MA
Application Date:	February 14, 2012
Date of Planning Board Public Hearing:	March 20, 2012 and April 17, 2012
Date of Planning Board Decision:	April 17, 2012
Date of Filing Planning Board Decision:	May 17, 2012

Application: The Applicant seeks a Project Review Special Permit (Section 19.20), waiver of yard requirements in the Parkway Overlay District (Section 20.95.34), increase of the Floor Area Ratio (Section 20.95.1), increase of the maximum height (Section 20.95.2.5) and waiver of the setback requirements for on-grade open parking (Section 6.44.1 (a)) to construct a mixed-use development with 61 residential units, 7,184 square feet of retail and 77 parking spaces. The site is currently occupied by a recently closed gas station, auto-repair shop and surface parking lot.

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 filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board:

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

Special Permit Cover Sheet, Special Permit Application, Narrative, Dimensional Form, Ownership Certificate, LEED Design and Construction Initiatives, LEED checklist, Water Service Infrastructure Narrative, Sewer Service Infrastructure Narrative, Aerial Photograph, Site Context Map, Bird's Eye Photograph, Existing Conditions Survey and Tree Survey, Existing Conditions Photographs, Site Plan, Utility Plan, Landscape Plan-Ground Floor, Landscape Plan-Roof, Floor Plans (Basement, 1st, 2nd, 3rd/4th, 5th, 6th), East Elevation, South & North Elevation, West Elevation, Perspective view from Southwest, Perspective view from Southeast, Shadow Studies, Photometric Plan, Setback Diagram-East Elevation, Setback Diagram-South Elevation, Setback Diagram-North Elevation, Setback Diagram-West Elevation, Transportation Impact Study (TIS), Parking and Transportation Demand Management Small Project Plan, Check for Special Permit Application

Other Documents

Email to the Planning Board, from Ramsay E Sinclair, dated April 12, 2012.
Email to Liza Paden, from Alicia Sinclair, dated April 13, 2012.
Email to Liza Paden, from Michele Sprengnether, dated April 13, 2012.
Letter to Kate Moran Carter, Brennan Dain LeRay Wiest Torpy and Garner PC, from Phil Terzis, Abodez Development, dated April 17, 2012.
Letter to Liza Paden, from Christopher Roof, dated April 13, 2012.
Letter to Hope Legal Law Offices, from Kate Moran Carter, dated March 20, 2012.
Planning Board public hearing sign in sheet, dated March 20, 2012.
Letter to the Planning Board from James Clifford, Linear Retail, dated March 19, 2012.
Email to Liza Paden, from Phil Terzis, dated March 1, 2012.
Email to Stephanie Groll, from Phil Terzis, dated March 1, 2012,
Memo to the Planning Board, from Susan Clippinger, dated March 20, 2012.
Letter to Phil Terzis, from Stephanie Groll, dated March 8, 2012.
Letter to Brian Murphy, from Owen O'Riordan, dated February 7, 2012.
Letter to Liza Paden, from Phil Terzis, dated March 9, 2012.
Email to Liza Paden, from Phil Terzis, dated February 22, 2012.
Email to Liza Paden, from Jeffrey Roberts, dated February 24, 2012.
Letter to Liza Paden, from Phil Terzis, dated February 6, 2012.
Email to Liza Paden, from Phil Terzis, dated February 9, 2012.
Letter to David Black, from Susan Clippinger, dated February 14, 2012.
Email to Liza Paden, from Adam Shulman, dated February 15, 2012.
Letter to David Black, from Susan Clippinger, dated November 15, 2012.

APPLICATION SUMMARY

On February 14, 2012 the Applicant submitted a proposal for a mixed-use development sited on a 29,034 square foot lot located at 563/603 Concord Avenue and 19 Wheeler Street. Currently the site is occupied by a recently closed gasoline station, auto-repair shop and surface parking lot. The Applicant proposes to demolish the existing structures on the lot (gasoline station, auto repair shop, and parking lot) and construct 61 residential units with 7,112sf of ground floor retail or office. The residences and compatible retail uses will be supported by a total of 77 parking spaces located both at grade and in a single-level underground parking garage. The Project will provide a variety of unit

types: approximately 16% will be studio units, 43% will be one-bedroom units, 23% will be two-bedroom units, and 18% will be three-bedroom units. The project will include 74 bicycle parking spaces (12 exterior and 62 interior) with secured covered bicycle storage provided on the first floor and in the basement parking areas. Five existing curb cuts on the site will be reduced to two.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. General Criteria for Issuance of a Special Permit (10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. Special permits will normally be granted where specific 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 interest because:

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

With the requested Special Permits the requirements of the Ordinance will be met.

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

The proposed development will replace a recently closed gas station, auto repair shop and surface parking lot with 61 residential units and ground floor retail space. Vehicular access and egress points will be reduced to two locations; one on Concord Avenue and one on Wheeler Street. The Applicant has completed an analysis of the traffic impacts associated with the project as evidenced in the Transportation Impact Study (TIS) prepared by Vanasse, Hangen, Brustlin Inc. and submitted with the Special Permit Application.

(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.

The proposed use is consistent with the goals of the Alewife Overlay District to introduce housing and retail services. The proposed development is located in an area that includes other residential uses as well as residential projects in various stages of development. The potential increase in residents in the area will be complementary to and help support existing and proposed retail and commercial uses by adding potential shoppers as well as additional housing options for the area. The proposed development will visually enhance the streetscape along Concord Avenue, and will not negatively impact adjacent uses.

- (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.*

No nuisance or hazard will be created. The project includes the demolition of a former gas station, auto repair shop and surface parking lot and will increase pedestrian safety through the reduction of curb cuts along the property.

- (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.*

The project is consistent with the Concord-Alewife Planning Study and the intent of the Alewife Overlay District and Parkway Overlay District.

- (f) *the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.*

2. Project Review Special Permit (19.20)

- (19.25.1) No substantial adverse impact on City Traffic.*

As described in the TIS, no vehicle related Planning Board Special Permit Criteria are exceeded and the project will not have a significant impact on traffic operations. The TIS identifies two (2) Pedestrian Level of Service (PLOS) Planning Board Special Permit Criteria exceedences for the Wheeler Street crosswalk at Concord Avenue, one (1) exceedence during the morning peak hour and one (1) exceedence during the evening peak hour. The limited increase in vehicle volumes associated with the Project results in an average increase in pedestrian delay at this crosswalk of less than one second. Although the increase in delay is minimal, it changes the PLOS grade from PLOS (B) to PLOS (C). Despite the exceedences, the actual impact to pedestrians is very limited. The City of Cambridge Department of Public Works is anticipated to begin work to reconstruct this intersection in 2013, which will include improvements for pedestrians.

Five existing curb cuts on the site will be reduced to one on Concord Avenue and one on Wheeler Street which will increase pedestrian safety. It is also anticipated that as the area continues to develop and change, infrastructure improvements will take place as outlined in the Concord Alewife Planning Study.

The Board finds that the proposed project is consistent with the Urban Design Objectives set forth in Section 19.30, as described below.

- (19.31) New projects should be responsive to the existing or anticipated pattern of development.*

The proposed mixed use project is compatible with the developing residential character of the area and creates an appropriate transition from Alewife Brook Parkway to the western portion of Concord Avenue. The project is designed to create a retail and residential streetscape along Concord Avenue and will have a setback from the street lined with green open space and mature trees. The project will balance the placement of green roofs and balconies to capture the natural amenity of Fresh Pond Reservation while respecting the privacy of the neighboring residential community.

(19.32) Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.

The building will be located on the property in a way that encourages pedestrian access and will provide ADA accessible access to the retail and residential components of the project. There is an existing bus stop at the site, and the project is within walking distance of the Alewife MBTA station. The project will feature 74 bicycle parking spaces (12 exterior and 64 interior) with secured covered bicycle storage provided on the first floor and in the basement parking areas. The number of bicycle spaces will exceed the Ordinance requirement for bicycle parking.

The retail uses will be oriented towards the street and there will be limited surface parking located on the sides of the property that will be shielded from public view by appropriate screening. The majority of the parking will be below grade or covered. The project will include landscaped screening and fencing for the surface parking spaces on the West and North portions of the lot.

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

The project is designed to minimize negative impacts on its surroundings and enhance the overall appearance of the existing streetscape. The project will improve the appearance of the site by demolishing the existing building and surface parking lot. The required mechanicals for the retail spaces and residences will be shielded from the public view. Rooftop mechanical equipment will also be set back from the roof edge so that it is shielded from public view. Mechanical equipment on the roof of the ground floor retail will be screened by a combination of walls, louvers and metal screening. The trash/recycling storage and handling for the development will be contained within the building to avoid noise, odor and visual impacts.

The project will meet the DPW standard for water quality management and the retention/detention of the difference between the 2 year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24 hour runoff hydrograph.

The stormwater management features for the site will include a subsurface detention system, water quality structures (e.g. hydrodynamic separators, catch basin insert filters), and green roof components that will provide stormwater treatment and storage.

The project will also provide an improvement in stormwater management conditions at the site by increasing permeable areas as well as improving the quality and quantity of stormwater introduced to the Municipal system.

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

The Project will provide a Sewer Holdback Tank as well as associated sewer infrastructure that will direct sanitary flows into the existing 24" sewer line located within Wheeler Street. The Cambridge DPW has confirmed that this connection will be acceptable for the project sewer discharge. The building will provide a sanitary sewer service that collects flows from the underground garage floor drains. All flows from the

underground garage will be directed through an oil/water separator and any restaurant sewer discharge will be directed through a grease trap.

The “Concord Avenue Waterline and Roadway Reconstruction Project” was recently completed by the City of Cambridge, which involved making improvements to the existing water infrastructure in Concord Avenue, providing increased capacity and pressures for the area.

As described in the TIS, no vehicle related Planning Board Special Permit Criteria are exceeded and the project will not have a significant impact on traffic operations. The TIS identifies two (2) Pedestrian Level of Service (PLOS) Planning Board Special Permit Criteria exceedences for the Wheeler Street crosswalk at Concord Avenue, one (1) exceedence during the morning peak hour and one exceedence (1) during the evening peak hour. The limited increase in vehicle volumes associated with the Project results in an average increase in pedestrian delay at this crosswalk by less than one second. Although the increase in delay is minimal, it changes the PLOS grade from PLOS (B) to PLOS (C). Despite the exceedences, the actual impact to pedestrians is very limited. The City of Cambridge Department of Public Works is anticipated to begin work to reconstruct this intersection in 2013, which will make improvements for pedestrians.

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

The project will enhance the mixed use character of the area with housing and ground floor retail and is consistent with the goals of the Alewife Overlay District 5 where it is located. The ground floor retail space will be occupied by a non-residential use allowed in the zoning district.

(19.36) Expansion of the inventory of housing in the city is encouraged.

The proposed project is a mixed use development with 61 residential dwelling units which will include affordable units according to applicable regulations. The Project will provide a variety of unit types: approximately 16% will be studio units, 43% will be one-bedroom units, 23% will be two-bedroom units, and 18% will be three-bedroom units.

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

The Project increases the available open space at the site from .6% to 20%. Additionally the project improves the pedestrian streetscape with the addition of street tree plantings and improved access across Concord Avenue to the adjacent Fresh Pond Reservation. The green roofs and balconies will also provide outdoor areas for residents.

3. Maximum Floor Area Ratio (FAR) (20.95.1)

The AOD-5 permits an increase to the maximum FAR of the applicable base zoning district (Res C-2B & B-A) to 1.25 for non-residential uses and 2.0 for residential uses after issuance of a special permit from the Planning Board.

The Board approves the proposed 61 residential units with 7,112sf of ground floor retail for a residential FAR of 2.0 and a non-residential FAR of 1.25.

4. Maximum Permitted Height (20.95.2(5))

The AOD-5 permits an increase of the maximum height to 55' for all uses. Additionally section 20.95.2(5) permits heights of 85' for residential uses provided the building floor plate above 55' is limited to 10,000 square feet or less and those portions of buildings above 55 feet are separated by at least 50' after issuance of a special permit from the Planning Board.

The Project proposes and the Board approves a maximum residential height of 73' and non-residential height that does not exceed the allowed height in the base zoning district (BA) and satisfies the requirements of AOD-5.

5. Waiver of Yard Requirements (20.95.34)

The AOD-5 permits a waiver of the side yard setback requirements of the applicable base or overlay districts (Res C-2B, BA & Parkway Overlay District) and a reduction of the front yard setback to 15' after issuance of a special permit from the Planning Board.

The Applicant seeks side yard setback relief on the west and north property line and a front yard setback reduction along the East property line both above and below grade as required by section 5.31 footnote (k). The Board approves the proposed setbacks shown on the project plans.

The project will improve the appearance of the site by demolishing the existing building and surface parking lot. The project will include landscaped screening and fencing for the surface parking spaces on the west and north portions of the lot. The project is designed to create a retail and residential streetscape along Concord Avenue and will have a setback from the street lined with green open space and mature trees.

6. Reduction of Permeable Open Space Area Requirement (20.96.1)

The AOD-5 requires that each lot provide the requisite amount of open and permeable space consistent with its goals of stormwater management and retention listed in the Concord-Alewife Study. The proposed development will have an improved stormwater drainage system connecting to an existing storm drain and increased permeable area.

The Project implements stormwater Best Management Practices and other measures to minimize runoff and improve water quality. The stormwater management features for the site will include a subsurface detention system, water quality structures (e.g. hydrodynamic separators, catch basin insert filters), and green roof components that will provide stormwater treatment and storage. In addition to the introduction of water quality and quantity controls, there will be a reduction in pavement area and an increase of landscaped area provided throughout the Project Site.

The proposed stormwater management system will follow the City of Cambridge Department of Public Works Proposed Concord – Alewife Stormwater Management Guidelines and Massachusetts Department of Environmental Protection (DEP) Stormwater Standards. Per the Concord-Alewife Area Stormwater Management Guidelines, the Cambridge Department of Public Works (DPW) requires development/redevelopment projects to provide on-site detention storage for the difference between the 2-year, 24-hour pre-construction runoff hydrograph and the post construction 25-year, 24-hour runoff hydrograph, which will be attained on-site.

The Project will provide an improvement in stormwater management conditions on the site by increasing permeable areas as well as improving the quality and quantity of stormwater introduced to the municipal system from the site.

7. Setbacks for On-Grade Parking (6.44.1(g))

The Board finds that the proposed parking layout and number of vehicle parking spaces for the site are appropriate. The limited surface parking will include 16 spaces for the retail uses and 8 spaces for the residential uses, with the remaining 53 residential parking spaces located below grade. The project will provide a landscaped setback with planted shrubs and trees as well as fencing adjacent to the abutting residential use.

DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby **GRANTS** the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents dated February 14, 2012, and all supplemental documents and information submitted by the Applicant to the Planning Board as referenced above. 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 each Building Permit for the project, 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 Decision. As part of CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.
3. The project shall be subject to the residential Transportation Demand Management (TDM) measures outlined in the memo to the Planning Board from Susan Clippinger, dated March 20, 2012.
4. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

5. Throughout design development and construction, the project shall conform to the Green Building Requirements set forth in Section 22.20 of the Cambridge Zoning Ordinance.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members H. Russell, T. Anninger, P. Winters, W. Tibbs, T. Cohen, S. Winter and Associate Member A. Nur, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,


Hugh Russell, Chair

A copy of this decision #269 shall be filed with the Office of 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 17, 2012, by Taha Jennings, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

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

DATE:

City Clerk of Cambridge

Dimensional Form

	Allowed/Required	Existing	Proposed	Granted
Total FAR	2.275 (2.6 in AOD-5 with Special Permit)	0.54	2.21	2.21
Residential	1.75 (2.0 in AOD-5 with Special Permit)	0	2.0	2.0
Non-Residential	1.25		1.25	1.25
Inclusionary Bonus	30%		30%	
Total GFA in Sq. Ft.	66,052sf (75,488sf in AOD-5 with Special Permit)	1,563	64,189sf	64,189sf
Residential	50,806sf (58,068sf in AOD-5 with Special Permit)		43,905sf	43,905sf
Non-Residential		1,563	7,112sf	7,112sf
Inclusionary Bonus	15,242sf (17,420sf in AOD-5 with Special Permit)		13,172sf	To be determined, consistent with applicable regulations
Max. Height	45ft in Res C-2B and BA districts (up to 85ft in AOD-5 with Special Permit)	20	73.0'	73.0 ft
Range of heights				
Lot Size		29,034sf	29,034sf	No change
Lot area/du	600sf/unit base, 462sf/unit total	NA	617sf/unit base, 475sf/unit total	617sf/unit base, 475sf/unit total
Total Dwelling Units	62	0	61	61
Base units	48		47	To be determined
Inclusionary units	14		14	To be determined
Min. Lot Width		124.0	124.0	No change
Min. Yard Setbacks				
Front, South	25ft commercial,	45.7ft	25ft commercial,	25ft commercial,

	44.9ft residential		75.6ft residential	75.6ft* residential
Front, East	0 ft commercial, 56.8ft residential	40.6ft	10ft commercial, 64.6ft residential	10ft commercial, 64.6ft* residential
Side, West	0 ft commercial, 46.5ft residential	31.5ft	55ft commercial, 25.4ft residential (special permit)	55ft commercial, 25.4ft residential (special permit)
Side, North	0 ft commercial, 22.7ft residential	129.5ft	73.3ft commercial, 31.8ft residential	73.3ft commercial, 31.8ft residential
Total % Open Space	15%	0.6%	20%	20%
Usable				
Other				
Off Street Parking	61 residential, 29 max. retail/14 min. retail (90 max. total, 75 min. total)	53	61 residential, 16 retail (77 total)	61 residential, 16 retail (77 total)
Handicapped				
Bicycle Spaces	33 total (31 residential, 2 commercial)	0	74 total (62 indoor, 12 outdoor)	74 total (62 indoor, 12 outdoor)
Loading Bays	0	0	0	NA

* measured from the centerline of the street