



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

## NOTICE OF DECISION

Case Number:	311
Address:	18-26 Chauncy Street
Zoning:	Residence C-2 / Residence A-1 / Basement Housing Overlay District
Applicant:	Chauncy Court LLC c/o Chestnut Hill Realty, 300 Independence Drive, Chestnut Hill, MA 02467
Owner:	Same as Applicant
Application Date:	January 20, 2016
Date of Planning Board Public Hearing:	March 8, 2016
Date of Planning Board Decision:	March 8, 2016
Date of Filing Planning Board Decision:	April 8, 2016
Application:	Addition of nine (9) residential units in the basement of the existing multi-family residential building, requesting special permits pursuant to the following Sections of the Zoning Ordinance: addition of basement dwelling units in the Basement Housing Overlay District (20.600); reduction of required parking (20.630 & 6.35.1); modification of bicycle parking standards (Section 6.108).
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: Swaathi Joseph *SS* 4-8-2016

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).

2016 APR - 8 AM 10:50  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## **DOCUMENTS SUBMITTED**

### Application Documents and Supporting Material

1. Special Permit Application submitted on 1/20/2016, containing: the Special Permit Cover Sheet; Dimensional Form; Ownership Certificate; Narrative detailing the proposed 18-26 Chauncy Street project, including compliance with applicable zoning regulations; Parking & Transportation Study; and Community Engagement Process Summary. It also included a plan set with civil engineering plans, plumbing plans, and architectural plans, including a proposed basement plan titled Chauncy Court, prepared by Lowe Associates Architects, Inc. dated 1/16/2016.
2. Revisions to the proposed basement plan dated 2/1/2016.
3. Revisions to the proposed basement plan dated 2/12/2016.
4. Letter to the City of Cambridge from Chestnut Hill Realty, dated 2/23/16.

### City of Cambridge Documents

5. Memo to the Planning Board from Katherine Watkins, City Engineer, Department of Public Works, dated 1/14/16.
6. Memo to the Planning Board from Community Development Department staff, dated 3/1/16.

## **APPLICATION SUMMARY**

The Applicant proposes to create nine (9) additional one-bedroom dwelling units in the basement of the existing 98-unit multi-family residential building. One of the new units will be an Affordable Unit per the basement housing overlay requirements. The proposal also includes addition of 16 long-term bicycle parking spaces in a new detached bicycle shed behind the existing building as well as the improvement of an interior long-term bicycle parking room which will contain 14 spaces. No new off-street vehicular parking is proposed. The project is located in the Basement Housing Overlay District and requires a Special Permit for the creation of new basement dwelling units. The project is also requesting that required parking for the additional units be waived in addition to allowing modification of the access standards for long-term bicycle parking as the routes through the existing building will not meet the access standards in Section 6.100.

## 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 sections of the Zoning Ordinance, the Planning Board makes the following Findings in regard to the criteria for issuance of the requested special permits:

### 1. Conversion of Basement into Dwelling Units (Section 20.600)

The Board finds that the proposal complies with the standards and conditions to issue a special permit for new basement housing units in the Basement Housing Overlay District, as set forth below.

*(20.630) Standards. Where it is proposed to create additional dwelling units by converting existing Gross Floor Area, which is not presently occupied by dwelling units, into dwelling units at the basement level of the existing structure, the dimensional and parking standards generally applicable in the base zoning district shall apply. However, where some or all of those requirements cannot be met, the Planning Board may waive some or all of the dimensional and parking standards generally applicable in the base district upon issuance of a special permit, subject to the following limitations:*

*(a) Where the Floor Area Ratio of the existing structure exceeds the maximum Floor Area Ratio allowed in the base zoning district, the Gross Floor Area of the existing structure shall not be increased.*

The existing Gross Floor Area will not be increased with the addition of basement dwelling units as the area that is being converted into dwelling units is already included in the calculation of Gross Floor Area.

*(b) Where the existing structure or lot does not conform to the height, yard, or private open space requirements generally applicable in the district, the Planning Board may approve those dimensional characteristics of the existing building or lot. However, no nonconforming dimensional element or aspect of the existing structure shall be extended or increased, with the exception that the permitted lot area per dwelling unit may be decreased, and incursions into setback areas may be approved by the Planning Board only for the purpose of providing or altering window wells or egress stairs as may be deemed advisable in response to safety and flooding concerns.*

The project will not alter any dimensional characteristics of the existing building. The Board approves the modification of applicable setback requirements for the purpose of installing window wells and/or patios in accordance with safety requirements for egress, as indicated in the Application Documents.

- (c) *The number of dwelling units in the existing structure shall not be increased by more than ten (10) units or fifteen percent (15%) of the number of dwelling units in the existing building, whichever is fewer.*

The existing number of units in the building is ninety-eight; and fifteen percent of ninety-eight is fourteen point seven. Therefore, ten units are the maximum allowed, and the project is proposing the addition of only nine units.

- (d) *Newly created dwelling units shall be restricted to studio or one-bedroom apartments only.*

The Application Documents depict all proposed nine dwelling units to be one-bedroom units.

- (e) *The Planning Board may reduce or waive the number of accessory off-street motor vehicle parking spaces required by Article 6.000 upon making a finding that such reduction will not result in substantial adverse impacts to on-street parking, based on information provided by the Applicant regarding the availability of alternate transportation options or other factors that would result in a reduced demand for parking. As a condition of a special permit, the Planning Board may require measures to minimize parking demand generated by the building. The requirements of Article 6.000 may not otherwise be waived.*

The Application Documents include information supporting the claim that the additional one-bedroom apartments will have minimal impact on parking demand. Surveys conducted of residents within that building and other rental apartment buildings in the vicinity show that fewer than half of residents own their own cars, and the proportion of car owners is less for occupants of basement units. Available sustainable transportation options including car-sharing, public transportation services and nearby shopping and consumer services will reduce the demand for auto ownership. The Applicant already has assigned a Transportation Advisor to educate tenants about sustainable transportation options. Moreover, there are off-street parking spaces available for rent by residents on an as-needed basis. The Traffic, Parking and Transportation Department supports the Applicant's request for parking waiver. Given the small number of units, the low expected demand for private car parking and the availability of some off-street parking, the Board finds that the nine additional dwelling units will not result in a substantial adverse impact to on-street parking availability.

- (f) *At least one additional secure long-term bicycle storage space shall be created on the lot for each new dwelling unit created under the provisions of this Section. Such bicycle parking spaces shall conform to the design standards of Section 6.49, and the City of Cambridge Bicycle Parking Guide, published spring 2008 or later.*

The existing storage for 21 bicycles in the building does not conform to the layout and design requirements for bicycle parking. The project will result in a total of 30 long-term

bicycle parking spaces, split between an interior bicycle room and a detached bicycle shed at the rear of the site, meeting the required City standards for bicycle parking except for the access route through the existing building, which requires special consideration as discussed below in these Findings.

*(20.640) Conditions for Grant of Special Permit. Prior to granting a special permit pursuant to this Section the Planning Board shall determine that the proposed conversion of basement space to dwelling units complies with the General Special Permit Criteria set forth in Section 10.43 as well as with the following requirements:*

*(a) Each new unit converted from existing basement space shall comply with all building, health, and accessibility codes applicable to residential dwelling units in the basement of structures. A special permit granted pursuant to this Section shall be conditioned upon full compliance with all building and sanitary code requirements applicable to basement units to be approved by the Commissioner of Inspectional Services at the time of application for a building permit. As a condition of the special permit, the Planning Board may require reasonable measures as are deemed necessary for the adequate privacy and security of the occupants.*

All applicable codes will be met as a Condition of this Special Permit.

*(b) Buildings must contain, or install, full separation between storm water and sanitary sewer lines from the building to the connection in the street regardless of whether the street in which the building is connected currently is separated.*

The Planning Board received a letter from the City Engineer indicating that the Applicant completed an engineering report as required by zoning and that applicable infrastructure requirements will be met. The existing building has full separation between stormwater and sanitary sewer lines. The project proposes to update the current lines to conform to code and pursuant to the approved engineering report. Separation of lines from the building to the street pursuant to the approved engineering report is a condition of this Special Permit.

*(c) Adequate, properly installed, backflow prevention devices that comply with all building code and other applicable requirements must be installed for all newly created units along with any additional measures determined to be advisable by the City Engineer.*

The Planning Board received a letter from the City Engineer indicating that the Applicant completed an engineering report as required by zoning and that applicable infrastructure requirements will be met. Backflow prevention systems have been designed for all new units. Installation of such systems is a Condition of this Special Permit.

*(d) An application for a special permit pursuant to this Section shall include a report on historical occurrences and future likelihood of basement flooding in the area of the proposed conversion, prepared by a registered professional engineer, with a functional*

*scope determined by the City Engineer to be appropriate to the location of the project. In general, the report shall assess the likelihood of flooding in the basement units by way of sewer system backups or overland flooding and identify proposed mitigation to prevent any such flooding. The Applicant shall obtain approval of the report and proposed mitigation, if any, from the City Engineer prior to submitting a special permit application. As a condition of the special permit, the Planning Board may require preventive measures to safeguard against future flooding in the proposed basement-level units as recommended by the City Engineer.*

The Planning Board received a letter from the City Engineer indicating that the Applicant completed an engineering report as required by zoning. Such report, prepared by DeCelle-Burke & Associates, was submitted by the Applicant to the City Engineer on October 26, 2015, then revised on December 8, 2015, and was approved by the City Engineer (at the Cambridge Department of Public Works) on January 14, 2016. The report concludes that surface flooding in the proposed basement units is unlikely. The report also identified mitigation measures to prevent flooding impacts.

2. Reduction in Required Parking (Section 6.35.1)

*(6.35.1) Reduction of Required Parking. Any minimum required amount of parking may be reduced only upon issuance of a special permit from the Board of Zoning Appeals. A special permit shall be granted only if the Board determines and cites evidence in its decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units. ...*

As set forth above in these Findings, the proposed project seeks approval to reduce the required amount of accessory parking. No new parking will be created for the proposed dwelling units. The proposed reduction in parking is consistent with the City's goals to discourage driving and encourage other modes of transportation, particularly in areas that are served by public transit, and is explicitly allowed by the Zoning Ordinance for new basement housing units in the Basement Housing Overlay District. The Application materials, which were reviewed by the Traffic, Parking and Transportation Department (TP&T), demonstrate that there will be negligible increase in off-street parking demand. Hence, acting in accordance with Section 10.45 of the Zoning Ordinance, the Board finds that there will be minimum impact on availability of parking for other occupants and no other adverse impacts on the neighborhood. The Board also finds that the reduction in parking will be reasonable in light of the considerations set forth below.

*... In making such a determination the Board shall also consider whether or not less off street parking is reasonable in light of the following:*

- (1) *The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station.*

The project is within an area served by the Harvard Square MBTA station as well as bus routes along Massachusetts Avenue and Concord Avenue.

- (2) *The availability of public or commercial parking facilities in the vicinity of the use being served provided the requirements of Section 6.23 are satisfied.*

The Parking and Transportation Study provided in the Application Documents and Supporting Materials indicates there is sufficient on-street parking available in the vicinity.

- (3) *Shared use of off street parking spaces serving other uses having peak user demands at different times, provided that no more than seventy-five (75) percent of the lesser minimum parking requirements for each use shall be satisfied with such shared spaces and that the requirements of Subsection 6.23 are satisfied.*

No shared parking is proposed.

- (4) *Age or other occupancy restrictions which are likely to result in a lower level of auto usage; and*

No such restrictions exist; however, the reduction in parking anticipates a less auto-dependent future for the area.

- (5) *Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, significant negative impact on the historic resources on the lot, impairment of the urban design objectives of the city as set forth in Section 19.30 of the Zoning Ordinance, or loss of pedestrian amenities along public ways.*

The reduction in parking is preferable because it will not reduce the limited amount of green space available on the site, which positively impacts the urban design of the area.

- (6) *The provision of required parking for developments containing affordable housing units, and especially for developments employing the increased FAR and Dwelling unit density provisions of Section 11.200, will increase the cost of the development, will require variance relief from other zoning requirements applicable to the development because of limitations of space on the lot, or will significantly diminish the environmental quality for all residents of the development.*

The project will provide an Affordable Unit pursuant to the basement housing overlay requirements in the Zoning Ordinance, and requiring parking would, at a minimum, increase the cost of the development.

3. Modification of Bicycle Parking Standards (Section 6.108)

*(6.108.3) Findings and Approval. Upon granting a special permit to modify any requirements of this Section 6.100, the Planning Board shall make a general determination that the proposal is consistent with the purpose of this Section 6.100 and that the Bicycle Parking Plan proposes a quantity, design and arrangement of bicycle parking that will serve bicycle users in a way that is sufficiently comparable, given the circumstances of the specific project, to the bicycle parking that would be required under the regulations of this Section 6.100. The Planning Board shall also make specific determinations applicable to the modifications being sought as set forth below:*

The Board finds that the proposal for bicycle parking is consistent with the purpose of the bicycle parking requirements in Section 6.100, and that with the exception of providing access through non-conforming access routes within the existing building, the city's standards will be met. The requested modification is necessitated by the specific circumstances of the site and the proposal.

*(a) Where an alternative design or layout of Bicycle Parking Spaces is proposed, the Planning Board shall determine that such design or layout shall be durable and convenient for the users whom it is intended to serve. Where new technologies are proposed, the Board may require that the Applicant demonstrate such technologies for review by City staff.*

The project proposes a total of 30 long-term bicycle parking spaces, split between an interior bicycle room and a detached bicycle shed at the rear of the site. All of the spaces will meet the city's requirements for layout and spacing of bicycle parking areas, therefore improving convenience for users. The project requests a modification because access to the spaces will require traveling through the existing building, which does not meet the requirements for a primary access route as the path is not five feet wide through its entire course and traverses two half-flights of stairs. The applicant is proposing to install a flat stairway channel along the edge of the stairways so that users can take bicycles up and down stairs with minimal lifting. The proposal makes significant effort to provide convenient and usable bicycle parking, given the existing conditions.

*(b) Where modifications to the location or quantity of bicycle parking is proposed, the Planning Board shall determine that the Bicycle Parking Plan will satisfactorily serve the needs of all expected users, based on quantitative and/or qualitative evidence provided by the Applicant. Such a modification may be appropriate for a campus master plan or other large development site within which bicycle parking is planned comprehensively across an area instead of on a specific site-by-site basis.*



No modifications to location or quantity are proposed. A total of 30 long-term bicycle parking spaces will be provided, which will provide the nine spaces required by zoning and will upgrade the 21 existing spaces to better conform to city standards.

4. General Criteria for Issuance of a Special Permit (Section 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, or ...*

The proposal will meet the zoning requirements set forth in the Basement Housing Overlay District, Section 20.600, with the granting of this Special Permit.

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

The proposed addition of basement dwelling units will have no impact on access or egress, will not cause congestion or hazard, and will not alter neighborhood character.

*(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 ...*

Adjacent uses will not be affected by the proposed addition of dwelling units to the existing building.

*(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. The project will comply with all applicable health and safety codes.

*(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 proposal will not cause any alteration to the character of the district and is consistent with the intent of the Basement Housing Overlay District.

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

The proposal will not result in any substantial change to the design of the building, and therefore will not impact the City's Urban Design Objectives.

## **DECISION**

Based on a review of the Application Documents, testimony given at the public hearings, 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 January 20, 2016, and all supplemental documents and information submitted by the Applicant to the Planning Board dated February 12, 2016, and the additional Conditions of this Special Permit Decision. 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. At a minimum, the final landscape details, including final designs of terraces and window wells shall be subject to review and approval by CDD prior to issuance of a Building Permit.
3. Prior to issuance of a Building Permit, the final design of the bicycle shed, the interior bicycle parking area, and improvements to bicycle parking access routes, including the flat stairway channels to assist in moving bicycles up and down stairs, shall be subject to review and approval by the Traffic, Parking and Transportation Department (TP&T) and CDD to ensure safety, functionality and conformance with applicable standards.
4. Prior to issuance of a Building Permit full compliance with building and sanitary code requirements applicable to basement units shall be certified by the Inspectional Services Department.
5. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

6. The project shall be subject to continuing review by the Department of Public Works (DPW) to ensure that engineering requirements are met as indicated in the letter dated January 14, 2016, including but not limited to, the separation of storm water and sanitary sewer lines from the building to the street and the installation of backflow prevention systems.
7. In accordance with Section 20.650 of the Zoning Ordinance, the project shall include one Affordable Unit as defined in Section 11.201 of the Zoning Ordinance and subject to the Standards for Construction and Occupancy of Affordable Units set forth in Section 11.204. The Housing Division of the Community Development Department shall certify that this Condition is being met prior to issuance of a Building Permit or Certificate of Occupancy for development authorized by this Special Permit.

Voting in the affirmative to grant the requested special permits were Planning Board Members Catherine Preston Connolly, H Theodore Cohen, Steven Cohen, Mary Flynn, Hugh Russell, and Associate Member Thacher Tiffany, appointed by the Chair to act on this case, constituting at least two thirds of the members of the Board, necessary to grant a special permit. Member Louis Bacci, Jr. voted in opposition to granting the requested special permits.

For the Planning Board,

A handwritten signature in black ink, appearing to read 'H Theodore Cohen', with a long horizontal flourish extending to the right.

H Theodore Cohen, Chair.

A copy of this decision PB #311 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 April 8, 2016, by Swaathi Joseph, 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

**Appendix I: Approved Dimensional Chart**

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	28,027	5,000	No Change	No Change
Lot Width (ft)	200	80	No Change	No Change
Total GFA (sq ft)	80,670	See below <sup>1</sup>	80,670	No Change
Residential Base	Not applicable	Not applicable	Not applicable	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	Not applicable	Not applicable	Not applicable	
Inclusionary Bonus	Not applicable	Not applicable	Not applicable	
Total FAR	2.87	See below <sup>1</sup>	2.87	No Change
Residential Base	Not applicable	Not applicable	Not applicable	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	Not applicable	Not applicable	Not applicable	
Inclusionary Bonus	Not applicable	Not applicable	Not applicable	
Total Dwelling Units	98	See below <sup>2</sup>	107	107 <sup>2</sup>
Base Units	Not applicable	Not applicable	Not applicable	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	Not applicable	See below <sup>2</sup>	See below <sup>2</sup>	
Base Lot Area / Unit (sq ft)	Not applicable	Not applicable	Not applicable	
Total Lot Area / Unit (sq ft)	Not applicable	See below <sup>2</sup>	Not applicable	
Height (ft)	Not applicable	See below <sup>1</sup>	No change	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	Not applicable	See below <sup>1</sup>	No change	
Side Setback (ft)	Not applicable	See below <sup>1</sup>	No change	
Rear Setback (ft)	Not applicable	See below <sup>1</sup>	No change	
Open Space (% of Lot Area)	28.9	See below <sup>1</sup>	No Change	Consistent with Application Documents and applicable zoning requirements
Private Open Space	Not applicable	Not applicable	Not applicable	
Permeable Open Space	Not applicable	Not applicable	Not applicable	
Off-Street Parking Spaces	Not applicable	See below <sup>3</sup>	0	No new <sup>3</sup>
Long-Term Bicycle Parking	Not applicable	9 new	9 new	Consistent with Application Documents and other applicable requirements
Short-Term Bicycle Parking	Not applicable	Not applicable	Not applicable	
Loading Bays	Not applicable	Not applicable	Not applicable	

<sup>1</sup> The existing Gross Floor Area, Floor Area Ratio, height, yard setbacks and open space on the lot are approved pursuant to Section 20.630 Paragraphs (a) and (b) where they do not conform to base zoning requirements.

<sup>2</sup> Nine additional dwelling units are approved pursuant to Section 20.630 Paragraphs (c) and Section 20.650.

<sup>3</sup> Required parking spaces for the additional dwelling units are waived pursuant to Section 20.630 Paragraph (e).