



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2020 NOV 23 PM 2:05
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	356 Amendment #1
Address:	56 Creighton Street (56 & 58R Creighton Street)
Zoning:	Residence B
Applicant:	Duncan MacArthur, 56 Creighton Street LLC 67 Smith Place, Unit 12A, Cambridge, MA
Owner:	Duncan MacArthur, 56 Creighton Street LLC 67 Smith Place, Unit 12A, Cambridge, MA
Application Date:	September 14, 2020
Date of Planning Board Public Hearing:	October 13, 2020
Date of Planning Board Decision:	October 13, 2020
Date of Filing Planning Board Decision:	November 23, 2020
Application:	Special Permit to convert non-residential structure to residential use (Section 5.28.2) and Special permit to reduce setback for on grade open parking facility (Section 6.44.1) in order to convert an existing commercial printing building into 3 residential units with 6 off-street parking spaces on grade.
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

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

1. Special Permit Application submitted on 9/14/2020, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Community Outreach Summary, Project Narrative, and plan set entitled: Option A – 4” Slats with 4” Openings 56 Creighton Street, prepared by Moskow Linn Architects, Inc., dated 9/3/2020.
2. Presentation slides shown to Planning Board on 10/13/2020.

City of Cambridge Documents

3. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 10/6/2020.

Other Documents

4. Letter from Froylan Hernandez-Ruiz, dated 10/13/2020.

APPLICATION SUMMARY

In an April 2, 2020 special permit decision (“Original Decision”), the Planning Board approved a proposal to convert the two-story commercial printing building on the lot into a three-story building with three residential units contained within the existing building envelope. The proposal included off-street surface parking for six (6) cars on the portion of the lot where Creighton Street terminates, and lockers for three (3) long-term bicycle parking spaces on an adjacent lot that is controlled by the owner. The site is located entirely in the Residence B District. The current proposal is still for the conversion of the non-residential building to three (3) dwelling units with off-street surface parking for six (6) cars, but with a different layout and design for the building and site that will result in less Gross Floor Area (GFA) than previously approved, increased private open space, and increased building height within the allowed 35-foot height limit. The additional height is due to additional structures above the roof, which will necessitate a variance from the Board of Zoning Appeal (BZA) for new GFA created outside the building envelope. The revised plans continue to identify an area that could provide future access from Creighton Street to a planned pedestrian/bicycle pathway alongside the railroad right-of-way. The project is no longer providing long-term bicycle parking spaces, which are not required by zoning. The requested special permits are discussed in detail in the Findings below.

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. Conversion of Non Residential Structures to Residential Use (Section 5.28.2)

Where it is proposed to convert an existing principal use structure, designed and built for non residential use, to residential use (excluding Transient Accommodations and Trailer Park or Mobile Home Park listed in Section 4.31 (i-j)), the dimensional standards generally applicable in the district as set forth in the Tables of Dimensional Requirements in Section 5.30 and other applicable regulations in this Ordinance, including permitted uses, Section 4.30 – Table of Use Regulations, shall apply. However, where some or all of those requirements cannot be met, including any use, dimensional or procedural requirement that may apply in the base district, the following provisions shall apply to such conversion after issuance of a special permit by the Planning Board. The provisions in this Section 5.28.2 shall apply in all zoning districts with the exception of districts with an Open Space designation.

5.28.28 Criteria for approval of a Special Permit

In acting upon this special permit, the Planning Board shall consider the standards and criteria set forth in Sections 10.43, 10.47 and 10.47.1 of this Ordinance in addition to the following review standards.

- (a) *Provision of Parking. Where it is proposed to add dwelling units above the limits established in the base zoning regulations, the Board shall evaluate the impact of increased numbers of dwelling units above that normally permitted in the district on the demand for on-street parking by residents and visitors to the proposed building, particularly in neighborhoods where off street parking is limited.*

The project will not add dwelling units above the limits established in the base zoning requirements and will exceed the off-street parking requirements.

- (b) *Privacy Considerations. Where significant variations from the normally required dimensional standards for the district are proposed, the Board shall evaluate the impact on residential neighbors of the new housing use and any other proposed use as it may affect privacy. The location and size of windows, screening elements, decks, entries, security and other lighting, and other aspects of the design, including the distribution of functions within the building, shall be reviewed in order to assure the maintenance of reasonable levels of privacy for abutters. In reviewing a proposed development plan, the Board shall consider, among other factors, the potential negative impacts of the new*

activity on abutters as a result of the location, orientation, and use of the structure(s) and its yards as proposed.

The project has one residential neighbor. The building façade along the shared property boundary will have design features to mitigate impacts on privacy, including a full brick wall with block glass windows and a patio area on the first floor screened with the existing wall along the side façade. The proposed roof decks and headhouses are set back from the property boundary in compliance with zoning.

(c) Reduction in Private Open Space. Where it is proposed to reduce the amount of on-site Private Open Space below that required in the applicable district, the Board shall evaluate the proposal in light of the following:

(1) The extent to which screening and buffering from neighbors will be accomplished

The current structure provides very little yard space on the lot. The proposed landscaping of the adjacent lot controlled by the owner increases open space on the site and provides additional open space in the form of terraces and private roof decks.

(2) The quality and viability of the proposed open spaces as they are designed

The addition of terraces, rooftop decks and landscaped areas have increased the amount of open space, offering future building residents modest opportunities for outdoor use while protecting privacy.

(3) The tradeoff in benefits and negative impacts of the loss of green space in order to provide the required amount of parking, including consideration of the feasibility of alternate parking arrangements that might produce additional green area, such as placing some or all parking within the structure

The parking area is designed to exceed the minimum zoning requirement for off-street parking to alleviate concerns from the neighborhood regarding impacts on existing street parking. All parking is located within the lot at the end of Creighton Street and adjacent to the MBTA railroad tracks with minimum impact on the neighborhood.

(4) The availability of common recreational spaces within the building to compensate for the loss of usable outdoor open space

The three dwelling units are proposed to have separate entrances with private terraces. There is limited opportunity to accommodate additional common spaces within the building. There is no loss of existing usable outdoor open space.

(d) Community Outreach. The Planning Board shall consider what reasonable efforts have been made to address concerns raised by abutters and neighbors to the project site. An

applicant seeking a special permit under this Section 5.28.2 shall solicit input from affected neighbors before submitting a special permit application. The application shall include a report on all outreach conducted and meetings held, shall describe the issues raised by community members, and shall describe how the proposal responds to those issues

The applicant conducted a community meeting for this project and submitted a report to the Planning Board. The applicant responded to the concerns regarding privacy along the shared property boundary and impacts on existing street parking.

In addition to the criteria set forth in Section 5.28.28 and the General Special Permit Criteria set forth in 10.43 and discussed further below, the Board finds that the project conforms to the criteria for approval of townhouses and multifamily dwellings set forth in Section 10.47.4. However, as the project contains fewer than six units, no additional multifamily or townhouse special permit is required per Section 4.26 of the Zoning Ordinance.

10.47.4 Criteria for approval of Townhouses and Multifamily Dwellings. In reviewing applications for townhouse developments and multifamily dwelling, the special permit granting authority shall consider and address the following site plan criteria as applicable:

- (1) Key features of the natural landscape should be preserved to the maximum extent feasible. Tree removal should be minimized and other natural features of the site, such as slopes, should be maintained.*

At present, the site has a large building footprint and paved areas with limited natural landscape features and few trees. The proposed development will retain the building footprint, but will increase the landscaped areas on the site and improve site drainage conditions.

- (2) New buildings should be related sensitively to the existing built environment. The location, orientation and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruptions should be avoided.*

No new buildings are proposed, but the proposed façade improvement is responsive to the surrounding neighborhood character.

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

The proposed development will create landscaped areas and additional trees, which will provide visual benefits to the residents of the buildings and to the general public. The terraces and rooftop decks will be private outdoor amenities for the residents. The Board discussed the possibility of extending the sidewalk and addition of street trees in front of the building in consultation with DPW as it will improve the public realm. The landscape

plan shows the feasibility for an access path through the property to connect to a future bike path along the railroad right of way with a future public easement.

- (4) *Parking areas, internal roadways and access/egress points should be safe and convenient.*

All parking spaces are accommodated at grade. The proposed access will be reviewed further by the Traffic, Parking and Transportation (TP&T) Department to ensure safety and convenience. The existing curb cut might need to be modified for that purpose.

- (5) *Parking area landscaping should minimize the intrusion of onsite parking so that it does not substantially detract from the use and enjoyment of either the proposed development or neighboring properties.*

Landscaping is proposed near the surface parking area that will screen the parking area from the sidewalk as well as the entrance of the development, which will be an improvement over the existing paved area covering the entire lot.

- (6) *Service facilities such as trash collection apparatus and utility boxes should be located so that they are convenient for resident, yet unobtrusive.*

The proposal includes separate outdoor trash collection areas for each unit that will be screened from the residents of the building and its neighbors. No electrical transformer is expected to be required for this project.

2. Special Permit to reduce setback for on grade open parking facilities (Section 6.44.1)

6.44.1 Setbacks for on grade open parking facilities shall be provided as follows:

- (b) *Except for one, two, or three family dwellings existing at the time of the effective date of this Ordinance or amendment thereto, no on grade open parking space or driveway shall be located within five (5) feet of any side or rear property line.*

- (g) *The Board of Zoning Appeals may grant a special permit to allow for modification of the requirements in 6.44.1 (a) or (b) if site specific factors favor such modification.*

The reduction in setbacks for the on grade parking area allows for a more efficient parking layout, which will not cause hazard, congestion or nuisance. Since it is located at the end of the street and adjacent to the MBTA railroad tracks, this will have minimum impact on the neighborhood.

3. 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 ...

Upon granting of the requested special permits, it appears that 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, or ...

The proposed creation of three (3) new dwelling units with six (6) off-street parking spaces is not anticipated to cause particular congestion or hazard or substantial change in the 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 ...

The proposed residential use complies with allowed uses in this district, and hence will not adversely affect adjacent uses that exist or are anticipated in the future.

(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 ...

The proposed residential use will not create nuisance or hazard, and all development activity will adhere to applicable health and safety regulations.

(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 proposed residential use is generally consistent with the residential zoning for the area, and the preservation and adaptive reuse of existing structures is encouraged by City plans for the area and by the Zoning Ordinance.

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

The Board finds no inconsistency with the citywide urban design objectives. The urban design objectives are generally supported in the proposal by the expansion of the

inventory of housing, improved streetscape appearance, consistency with the pattern of development in the area, minimal environmental impacts on abutters and minimal impact on City infrastructure. The feasibility of an access path through the property to a future public path along the railroad right of way enhances the existing network of pedestrian and bicycle movement in the vicinity of the development.

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 and other supporting materials submitted to the Planning Board, and the additional Conditions of this Special Permit Decision. The project plans hereby approved by the Planning Board is the plan set entitled: Option A – 4” Slats with 4” Openings 56 Creighton Street, prepared by Moskow Linn Architects, Inc., dated 9/3/2020. 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 Permittee shall consult with DPW staff to determine the feasibility of extending the sidewalk along the frontage of the lot and adding street trees in front of the building. DPW shall certify that this condition is met prior to issuance of a Building Permit.
4. The Permittee shall consult with DPW staff to determine how the project design will mitigate the potential impact to the site from surface flooding from anticipated 2070 10-year storm events and how the development will recover from a surface flooding event consistent with the potential 2070 100-year storm-event. DPW shall certify that this condition is met prior to issuance of a Building Permit.
5. The Permittee shall address the following design comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
 - a. CDD shall review and approve landscape details, including plant species, pedestrian access pathways, sidewalk design, hardscape materials, exterior lighting, fencing, and trash enclosure details.
 - b. CDD shall review and approve mechanical screening, exterior materials, colors, façade alterations and details.
 - c. Final drainage and stormwater management plan, to be reviewed and approved by DPW staff.
 - d. DPW shall review and approve temporary and permanent alterations to the Public Right of Way prior to issuance of a Building Permit.

6. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

Voting in the affirmative to approve the requested special permits were Planning Board Members Louis Bacci, Jr., Steven Cohen, H Theodore Cohen, Mary T. Flynn, Hugh Russell, Tom Sieniewicz, and Associate Member Corinne Espinoza, appointed by the Vice 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,



Representative to the Planning Board, authorized by Mary T. Flynn, Vice Chair.

A copy of this decision PB #356 Amendment #1 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 has been filed on November 23, 2020 with the Office of the City Clerk, by Liza Paden, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:
_____ no appeal has been filed; or
_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	11,749	5,000	No Change	No Change
Lot Width (ft)	69.02	50	No Change	No Change
Total GFA (sq ft)	8,366	4,862	8,885	8,885 ¹
Residential Base	0	4,862	8,885	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	8,366	0	0	
Inclusionary Bonus	N/A	n/a	N/A	
Total FAR	0.71	0.5/0.35	0.76	Consistent with Application Documents and applicable zoning requirements
Residential Base	.0	0.5/0.35	0.76	
Non-Residential Base	0.71	0	0	
Inclusionary Bonus	N/A	n/a	0	
Total Dwelling Units	0	3	3	3
Base Units	0	3	3	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	N/A	n/a	0	
Base Lot Area / Unit (sq ft)	0	2,500/4,000	3,916	
Total Lot Area / Unit (sq ft)	0	2,500/4,000	3,916	
Height (ft)	30	35	35	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	12.7	15	No change	
Side Setback (ft)	1.3/0	7.5 (sum 20)	No change	
Rear Setback (ft)	0	25	No change	
Open Space (% of Lot Area)	18.5	40	47	Consistent with Application Documents and applicable zoning requirements
Private Open Space (%)	12.6	20	25	
Permeable Open Space (%)	18.5	20	31	
Off-Street Parking Spaces	0	3	6	6
Long-Term Bicycle Parking	0	0	0	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	0	0	0	
Loading Bays	1	0	0	

¹ No increase to existing building footprint. The interior two floors of the building will be converted into three floors with 5 feet increase in building height.