

CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2015 OCT 7 AM 8 32

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## NOTICE OF DECISION

Case Number:	300
Address:	16-18 Eliot Street
Zoning:	Business B / Harvard Square Overlay District
Applicant:	16-18 Eliot Street LLC c/o Charles River Capital, Inc. 180 Beacon St #4E, Boston, MA
Owner:	16-18 Eliot Street LLC 2310 Washington St, Newton Lower Falls, MA
Application Date:	June 25, 2015
Date of Planning Board Public Hearing:	July 14, 2015
Date of Planning Board Decision:	July 14, 2015
Date of Filing Planning Board Decision:	October 7, 2015
Application:	Exemption from Parking and Loading Requirements (Section 20.54.4) and Yard Requirements (Section 20.54.5) in the Harvard Square Overlay District for construction of a three-story residential addition (resulting in 15 new dwelling units) to an existing two-story retail building.
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: Jeffrey C. Roberts JCR 10/7/15.

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 materials filed with the City Clerk's Office on June 25, 2015 containing Cover sheet, summary of application, supporting statement for a special permit, dimensional form, ownership certificate, narrative dated May 14, 2015 and Certificate of Appropriateness from the Cambridge Historical Commission. Plans and elevations dated May 14, 2015.
2. Updated narrative including additional supporting statements for compliance with the design and development objectives in the Harvard Square Overlay District.
3. Updated Dimensional Form dated May 14, 2015 received July 2, 2015.
4. Shadow Study dated May 15, 2015.
5. Cambridge Historical Commission presentation dated March 5, 2015 labeled third presentation.

### Other Documents

6. Harvard Square Advisory Committee report dated June 22, 2015.
7. Memo to the Planning Board from Jeff Roberts and Suzannah Bigolin, Community Development Department, dated July 7, 2015.
8. Letter to the Planning Board from Katherine F. Watkins, P.E., City Engineer, dated July 8, 2015.
9. Letter to the Planning Board from Charles Sullivan, Executive Director of the Cambridge Historical Commission, dated July 14, 2015.

## **SUMMARY OF APPLICATION**

The existing lot contains a two-story structure (with basement) occupied by restaurant uses. The proposal is to construct a three-story addition atop the roof of the existing structure, to be occupied by residential uses with 15 dwelling units. The addition would add approximately 11,935 square feet of net new Gross Floor Area to the lot, resulting in a total of approximately 24,197 square feet of existing and new development.

The proposal does not trigger any size thresholds for project review, but seeks a special permit to approve a waiver of parking and loading requirements in the Harvard Square Overlay District pursuant to Section 20.54.4 of the Zoning Ordinance. Base zoning regulations would require one

parking space for each new dwelling unit created, but no new parking or loading facilities are proposed to be created. In addition, the proposal seeks a waiver of yard (setback) requirements in the Harvard Square Overlay District pursuant to Section 20.54.5 of the Zoning Ordinance. Although there are no required yards for non-residential uses in the Business B district, new residential uses are required under base zoning to adhere to the formula yard setback requirements applicable in a Residence C-3 District. The proposal sought and received a Certificate of Appropriateness from the Cambridge Historical Commission.

## 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. Exemption from Parking and Loading Requirements in the Harvard Square Overlay District (Section 20.54.4)

Section 20.54.4 provides that for uses contained in new structures or new additions to structures built after June 1, 1940, the requirements for parking and loading may be waived after issuance of a special permit by the Planning Board provided that the following findings are made.

a. *The total development authorized on the site is reduced to eighty (80) percent of the maximum permitted on the lot; or a cash contribution is made to the Harvard Square Improvement Fund to be established by the City of Cambridge in an amount equal to fifty (50) percent of the cost of construction of the spaces not provided, said contribution to be used by the City of Cambridge for one or more of the following capital improvements in the Harvard Square Overlay District:*

- (1) Provision of public parking, preferably for short term users;*
- (2) Improvements to public parks, or restoration of historic structures, monuments and other features owned by the City of Cambridge or other public agency or a nonprofit organization;*
- (3) Extension throughout the Harvard Square Overlay District of the surface improvements installed by the MBTA as part of the Red Line subway extension (brick sidewalks, light post, street furniture, etc.)*

*The Harvard Square Advisory Committee shall receive and make comments on any proposal for the expenditure of such cash contributions. To the extent practicable the provision of public parking facilities shall be the first priority of any expenditure. The funds shall not be used for ordinary maintenance activities normally undertaken by the City of Cambridge.*

*The value of the cash contribution shall be determined by the Community Development Department assuming equivalent structured parking spaces and using generally accepted cost estimation methods customarily used by architects and engineers or using actual construction costs for comparable contemporary parking construction in Cambridge.*

The total development proposed would exceed 80% of the development allowed on the lot (totaling approximately 88%), and therefore a cash contribution shall be required in accordance with the requirements set forth above.

- b. *The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met).*

The proposal will retain the current small-scale development pattern on the block. The lot is just under 7,000 square feet in area.

- c. *The Planning Board shall specifically find that an exemption from parking and loading requirements will result in a building design that is more appropriate to its location and the fabric of its neighborhood and that it is in conformance with the objectives and criteria contained in Harvard Square Development Guidelines.*

The Planning Board finds that the design of the proposed building addition benefits from an exemption from parking and loading requirements as the existing building cannot accommodate such activities without compromising the street-level experience of pedestrians on Eliot Street. In reaching this finding and in deciding to grant the special permits requested by the Applicant, the Planning Board has considered and been guided by the objectives and criteria contained in the Harvard Square Development Guidelines, including but not limited to the following.

- i) *Preserve the Square's architecturally and historically significant buildings and structures as well as those that contribute to the distinctive visual character and historical significance of the District.*

While the existing building will remain largely unchanged, it does not have any historical significance, nor does it have any significant architectural character. There is an historic granite wall to the rear of the building, which is not proposed to be altered as part of this Application but to which the Applicant is proposing to provide limited access for public tour groups. Surrounding uses include a larger-scale parking garage structure to one side and a smaller-scale wood-frame building on the other. The Cambridge Historical Commission issued a Certificate of Appropriateness for the project.

- ii) *Support creative, contemporary design for new construction that complements and contributes to the character of the district.*

The new addition proposes a contemporary design aesthetic and improves the character of the existing section of the building (which is not of historic interest) while retaining some of its key features.

- iii) *Respect for the diversity of building form and scale; encourage green yards and courtyards and small, free-standing buildings where that character prevails; encourage streetwall buildings where that character has been set.*

The existing building is set to the street edge, which is generally consistent with streetwall buildings within the district. The proposed addition will reinforce the continuity of the wall plane by aligning its façade with the existing and adjacent buildings. The Board suggests and has made a condition of this special permit that street trees and other sidewalk improvements be explored.

- iv) *Expand the high quality public environment now established in the heart of the District with a compatible palette of materials and street furniture.*

The exterior materials palette provides a contemporary aesthetic, which subtly contrasts with the historic context of Harvard Square. The condition of the existing building will be improved along with the proposed addition. Possible sidewalk dining areas are proposed and street trees are suggested, which will be subject to approval by the Department of Public Works.

- v) *Expand the network of pedestrian walkways and paths wherever they can conveniently provide alternate routes through the District.*

An accessible pedestrian connection through the block is not possible due to a grade change with adjoining properties and the existence of an historic stone wall at the rear of the property. It is suggested that the historic wall might be restored and made viewable by the public on a limited basis, possibly through organized tours.

- d. *No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and*

The existing building on the lot, which is proposed to be altered, is not a National Register or contributing building.

- e. *No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.*

No National Register or contributing building has existed on the lot within the five years preceding the application.

2. Exemption from Yard Requirements in the Harvard Square Overlay District (Section 20.54.5)

The Planning Board finds that the project meets the criteria to waive applicable building setback (yard) requirements pursuant to Section 20.54.5, which provides the following.

*Building Setbacks. Maintenance of the Harvard Square Overlay District's positive diversity of building form and scale and its variety of open spaces, yards and courtyards is encouraged throughout the District. It is therefore desirable to permit design flexibility to allow any physical change in the District to reflect the character of the area within which it is located. To this end any building in the Harvard Square Overlay District shall be exempt from the yard requirements as specified in Section 5.30, (except where such yard abuts a lot, but not a public way, outside the Overlay District) if the following conditions are met:*

1. *The building existed as of December 15, 1985 or a building permit had been issued by that date, or*

This provision is not applicable to the proposed new addition.

2. *For any new building in any Business, Office or Residence C-3 base-zoning district, for which a building permit is issued after December 15, 1985, the Planning Board issues a Special Permit exempting the building from yard requirements provided:*

- a. *The design of the new structure shall be in conformance with the objectives and criteria contained in Harvard Square Development Guidelines.*

As set forth earlier in these Findings, the Board has considered the Harvard Square Development Guidelines and finds this proposal to be in conformance.

- b. *No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and*
- c. *No National Register or contributing building previously existed on the site in the preceding five (5) years and which has been so altered as to terminate or preclude its designation or demolished prior to the application.*

No National Register or contributing building will be demolished or altered by the proposal, nor has been demolished or altered within the past five (5) years.

3. 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, or ...*

With the requested special permit, 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 development is not expected to alter traffic patterns given that it is a modest-scale residential project and no parking will be provided on-site; any automobile traffic to or from the site would utilize existing parking facilities.

*(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 is not expected to impact the operation of adjacent uses that exist or are allowed under current zoning.

*(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 addition is allowed as a by-right use in the district and no nuisance or hazard is expected. All development will comply with 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 proposed use and development are consistent with the intent of the zoning requirements for the district and other applicable citywide requirements.

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

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.*

As discussed above in these Findings, the project fits well within the context of nearby building heights and existing street walls. The proposed addition continues the prevailing street wall and the height transitions from the larger garage structure to the east to the smaller wood-frame structure to the west.

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

While the proposed new development is located above the public realm, the project will result in improvements to the existing building at street level that will improve the public realm. The new residential lobby will be conveniently accessed by pedestrians from Eliot Street, with a rear entrance providing access to bicycle parking facilities for residents.

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

Rooftop mechanical equipment is proposed to be recessed and screened so that they are barely visible from the public way. Trash will be stored in the existing private alley adjacent to the building, which will be better organized. Shadow studies have been provided showing minimal new shadows compared to existing conditions.

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

The scale of the project is not expected to cause a burden on City infrastructure. All development will be subject to further review by the Department of Public Works.

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

As discussed above in these Findings, the project complies with the general development guidelines for the Harvard Square Overlay District and reinforces and enhances the diverse development patterns of this area of Cambridge. In addition, the project does not involve demolition or alteration of any historical or architecturally significant structures.

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

The project will create 15 new dwelling units, and will be subject to inclusionary housing requirements.

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

The proposed addition will neither create nor remove open space. The Board suggests and has made a condition of this special permit that sidewalk trees be explored.

## 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 and Supporting Material submitted to the Planning Board and referenced above in this 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.

The following items in particular shall be reviewed and approved by CDD staff prior to issuance of a building permit:

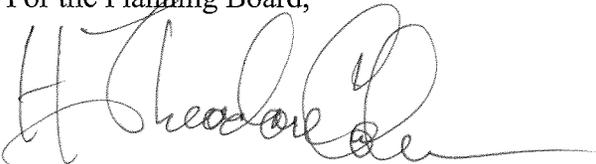
- Proportions and dimensions of second floor windows and shutters.
  - Details of all external materials, including review of the mix of materials used on side elevations.
  - Articulation of ground level side and rear facades where they are publicly visible or accessible to future residents.
  - Opportunities for landscaping and other improvements in paved areas along the street frontage.
3. The Board recommends and hereby approves a change to the design that would move the proposed bay windows on the west façade of the proposed addition toward the front portion of the site, subject to review and approval by CDD staff (by way of the process set forth in Condition #2 above) as well as the Historical Commission as it might impact the Certificate of Appropriateness granted for the project.
  4. The Permittee shall make a good faith effort, to the extent possible given the terms of tenant leases established prior to issuance of this special permit, to replace the existing restaurant awnings as part of the proposed development. The design of any new awnings shall be reviewed prior to installation by CDD staff.
  5. The Permittee shall provide street trees or comparable landscaping improvements on the Eliot Street sidewalk if it is deemed to be feasible by the Department of Public Works. The exact location and species of trees shall be subject to approval by the City Arborist in the

Department of Public Works. A determination of the feasibility, location and species of trees shall be certified by the Department of Public Works prior to issuance of a building permit for development authorized by this special permit.

6. In accordance with Section 20.54.4, Paragraph 2, Subparagraph a. of the Zoning Ordinance, the Permittee shall make a cash contribution to the Harvard Square Improvement Fund established by the City of Cambridge in an amount equal to fifty (50) percent of the cost of construction of the minimum number of parking spaces required based on the Gross Floor Area of the proposed office use. The funds shall be used by the City of Cambridge in accordance with that section of the zoning, and as set forth therein, the Harvard Square Advisory Committee shall receive and make comments on any proposal for the expenditure of such cash contributions, and the value of the cash contribution shall be determined by the Community Development Department assuming equivalent structured parking spaces and using generally accepted cost estimation methods customarily used by architects and engineers or using actual construction costs for comparable contemporary parking construction in Cambridge. Such payment shall be made and certified prior to issuance of a building permit for construction authorized by this Special Permit. The Planning Board supports the Permittee's suggestion that funds be used to stabilize and restore the historic stone wall on the site, provided that it is deemed to be in the public interest and that opportunities are provided for members of the public to view the wall by some arrangements, possibly as part of organized tours.
7. 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 GRANT the Special Permits were Planning Board Members Louis Bacci, H Theodore Cohen, Steven Cohen, Hugh Russell and Tom Sieniewicz, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



H Theodore Cohen, Chair.

A copy of this decision PB #300 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 October 7, by Jeffrey C. Roberts, 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)	6,964	No minimum	No change	No change
Lot Width (ft)	90.56	No minimum	No change	No change
Total GFA (sq ft)	12,262	27,548	24,197	24,197 <sup>1</sup>
Residential Base	0	9,250 <sup>2</sup>	9,181	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	12,262	15,523 <sup>2</sup>	12,262	
Inclusionary Bonus	N/A	2,775 <sup>2</sup>	2,754	
Total FAR	1.8	See below	3.47	Consistent with Application Documents and applicable zoning requirements
Residential Base	0	3.0	1.32	
Non-Residential Base	1.8	4.0	1.8	
Inclusionary Bonus	N/A	30%	0.39	
Total Dwelling Units	None	29	15	15
Residential Base Units	N/A	23	See right	Inclusionary Housing requirements to be determined at building permit phase
Base Lot Area Per Unit	N/A	300	See right	
Total Lot Area Per Unit	N/A	240	See right	
Height (ft)	25 (approx.)	60 (80 by SP)	60	Consistent with Application Documents and applicable zoning requirements
Front Setback – Eliot St (ft)	0.42	See below <sup>3</sup>	Per plans <sup>3</sup>	
Side Setback – Left (ft)	0	See below <sup>3</sup>	Per plans <sup>3</sup>	
Side Setback – Right (ft)	10.78	See below <sup>3</sup>	Per plans <sup>3</sup>	
Rear Setback (ft)	5.35	See below <sup>3</sup>	Per plans <sup>3</sup>	
Open Space (% of Lot Area)	None	10%	12%	
Private Open Space	None	10%	12%	
Off-Street Parking Spaces	None	See below <sup>4</sup>	None <sup>4</sup>	None <sup>4</sup>
Long-Term Bicycle Parking	None	15	6	Consistent with Application Documents, PTDM and other applicable requirements
Short-Term Bicycle Parking	None	2	2	
Loading Bays	None	None	None	

<sup>1</sup> Residential addition of 11,935 square feet is permitted.

<sup>2</sup> By application of mixed-use formula and inclusionary housing requirements.

<sup>3</sup> Planning Board waives applicable yard requirements and approves the setbacks as proposed pursuant to Section 20.54.5.

<sup>4</sup> Planning Board waives parking and loading requirements pursuant to Section 20.54.4.