

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2014 JUN 10 AM 10 56

NOTICE OF DECISION

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Case Number:	290
Address:	1-3 Langdon Street
Zoning:	Residence C-2 / Basement Housing Overlay District
Applicant and Owner:	John Harvard, LLC c/o Chestnut Hill Realty 300 Independence Drive, Chestnut Hill, MA
Application Date:	April 10, 2014
Date of Planning Board Public Hearing:	May 6, 2014
Date of Planning Board Decision:	May 6, 2014
Date of Filing Planning Board Decision:	June 10, 2014
Application:	Construction of dwelling units in the basement of an existing structure in the Basement Housing Overlay District, per Section 20.600 of the Cambridge Zoning Ordinance.
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 6/10/2014.

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 dated April 10, 2014 consisting of the special permit summary, ownership certificate, dimensional form, project overview; floor plans of existing conditions, proposed conditions and proposed conditions with new outdoor bicycle parking; civil engineering plans, plumber plans, copy of the report to the City Engineer, approval from Jim Wilcox and Historical Occurrences and Future Likelihood of Basement Flooding, dated December 2013.
2. Parking Survey done 3/20/14.
3. Parking and Transportation Study, dated 5/1/14.

Other Documents

4. Memo to the Planning Board from Traffic, Parking and Transportation Department, dated 5/6/14.
5. Email to the Planning Board from Margaret Moulton, dated 4/30/14.
6. Email to the Planning Board from Rae Simpson, dated 4/30/14.
7. Email to the Planning Board from Pat Whelan, dated 5/5/14.
8. Letter to the Planning Board from Rae Simpson, dated 5/6/14.

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. Basement Housing Overlay District (Section 20.600)

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.

- 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 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 in accordance with safety requirements, 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 thirty-four (34), and therefore the maximum number of new units permitted under Section 20.600 is 5.1, which is fifteen percent of thirty-four. Although the application depicts a total of six (6) new basement units, only five (5) units shall be permitted. At the public hearing, the Applicant testified that only five (5) units shall be provided and an existing accessory office space at the basement level shall remain in place of a proposed new unit.

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

The application documents depict studio and one-bedroom dwelling 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 studio and 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 alternative transportation options including on-site Zipcar spaces, 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 alternative 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 submitted a memo to the Board validating the Applicant's supporting argument. 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 five 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 project will include twelve (12) long-term bicycle parking spaces meeting the required City standards within an on-site, enclosed, secure bicycle parking shed.

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 Application Documents include reference to an engineering design that would achieve separation of sanitary and storm water lines from 1 Langdon Street. The current City sewer on Langdon Street is a combined sanitary and storm water system. When the City's system is separated at a future time, full separation may be achieved. Separation of sewage outflow will be 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.*

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.*

Such a report, prepared by DeCelle-Burke & Associates, was submitted by the Applicant to the City Engineer in December, 2013 and was approved by the Cambridge Department of Public Works in January, 2014. Based on analysis of the site, a review to determine any historical evidence of flooding, and the mitigation measures to be implemented as Conditions of this Special Permit, the report concludes that the likelihood of sewer backups or flooding in the proposed basement units is minimal to the point of insignificance.

2. 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 ...

The proposal will meet the zoning requirements set forth within 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.

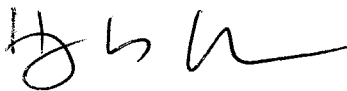
1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents dated April 10, 2014, and all supplemental documents and information submitted by the Applicant to the Planning Board as referenced above. However, notwithstanding the Application Documents, a maximum of five (5) new basement dwelling units shall be permitted in accordance with Paragraph 20.630(c) of the Cambridge Zoning Ordinance. 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. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).
4. Each new dwelling unit authorized by this Special Permit shall comply with all building, health, sanitary and accessibility codes applicable to residential dwelling units in the basement of structures. The Commissioner of Inspectional Services shall certify that this condition is met at the time of application for a Building Permit.
5. The Planning Board waives the requirement to create off-street parking spaces for the five (5) additional dwelling units pursuant to Section 20.630 Paragraph (e). However, as illustrated in the Application Documents, the Permittee shall create a minimum of twelve (12) long-term bicycle parking spaces on-site in conformance with the City of Cambridge standards for design and location of long-term bicycle parking. The Traffic, Parking and Transportation 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.
6. In accordance with the Engineering Report submitted on December 20, 2013 and approved by the Department of Public Works on January 21, 2014, and included in the Application Documents, the storm water and sanitary sewer lines from the building to the connection in the street shall be separated, backflow prevention devices shall be installed for all newly created units, and each new window well shall include its own leach pit and a six-inch reveal above grade to prevent water runoff from entering. The Department of Public Works 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.

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 Special Permits were Planning Board Members H Theodore Cohen, Steve Cohen, Hugh Russell, Steven Winter, and Associate Members Catherine Preston Connolly and Ahmed 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. Planning Board member Pamela Winters abstained from voting.

For the Planning Board,



Hugh Russell, Chair.

A copy of this decision #290 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 June 10, 2014, by Jeffrey C. Roberts, authorized representative of the Cambridge Planning Board. All plans referred 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)	16,359	5,000	16,359	No Change
Total GFA (sq ft)	26,892	See below ¹	26,892	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	2.80	See below ¹	2.80	Consistent with Application Documents and applicable zoning requirements
Residential Base	Not applicable	Not applicable	Not applicable	
Non-Residential Base	Not applicable	Not applicable	Not applicable	
Inclusionary Bonus	Not applicable	Not applicable	Not applicable	
Total Dwelling Units	34	See below ²	40	39 ²
Base Units	Not applicable	Not applicable	Not applicable	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	Not applicable	See below	See below	
Base Lot Area / Unit (sq ft)	Not applicable	Not applicable	Not applicable	
Total Lot Area / Unit (sq ft)	Not applicable	See below ²	Not applicable	
Lot Width (ft)	Not applicable	Not applicable	Not applicable	
Height (ft)	Not applicable	See below ¹	No change	Consistent with Application Documents and applicable zoning requirements
Front Setback (ft)	Not applicable	See below ¹	No change	
Side Setbacks (ft)	Not applicable	See below ¹	No change	
Rear Setback (ft)	Not applicable	See below ¹	No change	
Open Space (% of Lot Area)	13%	See below ¹	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 ³	No new	No new ³
Long-Term Bicycle Spaces	Not applicable	6 new	12 new	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Spaces	Not applicable	Not applicable	Not applicable	
Loading Bays	Not applicable	Not applicable	Not applicable	

¹ 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.

² Five additional dwelling units are approved pursuant to Section 20.630 Paragraph (c).

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