



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

IRAM FAROOQ
Assistant City Manager for
Community Development

To: Planning Board
From: Jeff Roberts, Land Use and Zoning Planner
Swathi Joseph, Associate Zoning Planner
Date: March 1, 2016
Re: Special Permit **PB #311, 18-26 Chauncy Street**

This memo contains an overview of the proposed project at 18-26 Chauncy Street, the special permits being requested, and related comments.

Summary of Proposal

The applicant is proposing to create 9 additional one-bedroom units in the basement of the existing 98-unit multi-family residential building located at 18-26 Chauncy Street, within the Basement Housing Overlay District. 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.

Requested Special Permits

The project is located in the Basement Housing Overlay District and requires a Special Permit for the creation of new basement dwelling units per Section 20.600. The project is also requesting that required parking for the additional units be waived, which is allowed by Paragraph (e) of Section 20.630 (the application also references the general criteria for reduction of required parking in Section 6.35.1). In addition, the project requires a Special Permit to modify the access standards for long-term bicycle parking, because the routes through the existing building will not meet the strict access standards set forth in Section 6.106.

The applicable special permit findings are summarized on the following page. Applicable sections of the zoning are provided in an appendix.

Requested Special Permits	Summarized Findings <i>(see appendix for zoning text excerpts)</i>
Conversion of Basement into Dwelling Units (Section 20.600)	<ul style="list-style-type: none"> • The project complies with all the requirements noted in Section 20.640 (see appendix). • The project meets the affordability standards as set forth in Section 20.650 (see appendix).
Reduction in required parking (Section 20.630, Paragraph e; Application also references Section 6.35.1)	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.
Modification of Bicycle Parking Standards (Section 6.108)	Proposed bicycle parking design or layout shall be durable and convenient for the users whom it is intended to serve (see appendix).
General special permit criteria (Section 10.43)	Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43 (see appendix).

Area Planning and Zoning

The property is within the Residence C-2 District with a small portion of the rear side in Residence A-1. The site is also within the Basement Housing Overlay District, which was established for the purpose of allowing the creation of studio or one-bedroom apartments in basement level space of larger, older, existing multi-family residential buildings meeting certain criteria, and subject to approval by the Planning Board.

Proposed Site

The lot with the existing building is currently non-conforming with regard to all dimensional requirements except for minimum lot area and minimum frontage. However, the proposed project will not increase any of the existing non-conforming dimensional elements except for minimum lot area per dwelling unit, due to the proposed increase in the total number of units. As presented, the proposal would comply with the applicability standards set forth in Section 20.620 (see appendix).

Comments on Proposal

Flood Risk

One of the key elements of the Basement Housing Overlay District zoning is the requirement to assess the probability of flood risk to the basement units and to incorporate measures to mitigate that risk. The applicant has provided a report that has been reviewed by the City Engineer. An attached letter from the City Engineer indicates that this site has a manageable level of flood risk and lists measures that will

be taken to reduce and mitigate flood hazard. The construction will be subject to further review by the Department of Public Works (DPW).

Parking

According to the Basement Housing Overlay District, the Planning Board may waive the off-street parking requirements for the 9 additional units. The project is not proposing the addition of new off-street parking because none can be accommodated on the lot. The site is in proximity to the Harvard Square MBTA station as well as bus routes along Massachusetts Avenue and Concord Avenue. Information provided by the Applicant shows that car ownership among tenants of the building is fairly low, and is particularly low among residents of the smaller, basement-level units. Another key mitigating factor is that the Applicant controls several adjacent parking lots that may provide available parking spaces to residents on an as-needed basis. Carsharing vehicles are also available in the neighborhood, some of which are located on lots controlled by the Applicant, which provide an additional alternative to car ownership for residents. The Applicant has consulted with the Traffic, Parking and Transportation Department (TPT), which supports the requested reduction.

Bicycle Parking

The basement housing overlay zoning requires a minimum of 9 long-term bicycle parking spaces (one for each new unit) that meet the zoning requirements for bicycle parking design, layout and access. There is an existing bicycle room for 21 bicycles in the building; however, this does not conform to the layout and design requirements for bicycle parking. The proposal 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. All of the resulting spaces will meet the city's requirements for layout and spacing of bicycle parking areas, therefore improving convenience for users. The relief is requested because access to the spaces will require traveling through the existing building, which does not meet the requirements for a primary access route as set forth in Section 6.106.1 because the path is not five feet wide through its entire course and traverses two half-flights of stairs. The proposal makes significant effort to provide convenient and usable bicycle parking, given the existing conditions. However, some additional improvements could be made to improve convenience. At minimum, a flat stairway channel along the edge of the stairways should be installed as proposed in the revised plan dated 2/12/2016 so that users can take bicycles up and down stairs with minimal lifting. CDD and TPT staff can continue to review the detailed project design and suggest measures that will make the access routes as convenient as possible for bicycle users.

Urban Design

The project will have minimal impact on the overall form or appearance of the building or the site, and so there are few issues pertaining to the Citywide Urban Design Objectives. The most significant changes to the exterior of the property will be the new bicycle shed and the addition of terraces and window well egress for the proposed new basement units. Detailed elevations have not been provided at this stage, but the detailed design changes will be reviewed further by staff prior to the start of construction.

Continuing Review

The following is a summary of issues that staff may address through continuing review at the building permit and certificate of occupancy phase:

- CDD staff will review the final design of exterior changes including terraces and window wells.
- CDD and TPT staff will review the final design of the bicycle shed, the interior bicycle parking area, and improvements to bicycle parking access routes, including the addition of flat stairway channels.
- DPW staff will continue to ensure that engineering requirements are met as indicated in the attached letter.



City of Cambridge Department of Public Works

Owen O'Riordan, Commissioner

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January 14, 2016

To: Iram Farooq,
Assistant City Manager for Community Development,

From: Katherine Watkins
City Engineer, Department of Public Works,

Re: Chestnut Hill Realty 18-26 Chauncy Street
Basement Unit Proposal

Please be informed that the Engineering Department at the Department of Public Works has completed its review of the Chestnut Hill Realty proposed creation of nine (9) new basement apartment units at the 18-26 Chauncy Street property that currently contains 98 units, including six (6) in the basement. This review was completed in accordance with Basement Housing Overlay District Ordinance No# 1345, Section 20.640.

In accordance with the provisions of the ordinance, the proponent has agreed to and has design drawings that provide for fully separate sewer and drainage systems associated with the building. The building spans two lots with the design providing for two (2) sewer service laterals and one (1) drain lateral per lot, for a total of four (4) new sewer service laterals extending from the building to the municipal sewer and two (2) new drain service laterals from the building to the street drainage line. One of the sewer service laterals, from each lot, will service the basement units exclusively and the other those units which are above grade.

In accordance with Section 20.640 paragraph (c) Chestnut Hill Realty is providing backflow prevention devices throughout the basement at each of the plumbing fixtures, the installation of which will be inspected by the plumbing inspector. Given that the full building will be properly separated and that the above grade units will be provided with a separate sewer service lateral connection the probability of back-ups in the basement units is greatly reduced. Chestnut Hill also has indicated that, in their history of ownership of this building since 1985, there has been no record of any back-ups in the existing basement units.

In addition to the evaluation of the potential for back-ups, the proponent provided an evaluation of the potential for surface flooding impacting the inhabitable spaces in the basement. This analysis considered both current storms and also information provided in the November 2015 CCVA Report related to future potential storm events. The report indicated that the site conditions and topography made surface flooding unlikely but still proposes to implement some design elements that will provide protection to basement spaces in the event of a surface flood.

In summary we find that the proponent complies with the requirements of the ordinance. As this project moves through the permitting process to the Department of Public Works the proponents will be further informed of the critical importance of maintaining the systems proposed. That responsibility is exclusively theirs and will not be subject to continuous inspection, after construction, by the City.

cc: Owen O'Riordan; James Wilcox

Special Permit for Additional Basement Dwelling Units in Basement Housing Overlay District

20.620 *Applicability.* The regulations of this Section 20.600 shall apply within the Basement Housing Overlay District to existing structures designed and built for residential use, which also meet all of the following standards:

- (a) the structure is located wholly or partially within a Residence C, C-1, C-1A, C-2A, C-2, C-2A, C-2B, C-3, C-3A, or C-3B base zoning district;
- (b) the structure is currently occupied by at least thirty (30) dwelling units;
- (c) the structure was built before 1930 and its footprint or foundation has not been expanded or altered after the effective date of this Section 20.600 except as may be required and approved as a condition to the grant of a special permit hereunder;
- (d) the structure currently contains at least one dwelling unit located entirely at the basement level.

Portions of those structures that meet the applicability requirements set forth above that are not located within a Residence C family zoning district would be treated for all dimensional and use requirements as if wholly located within a Residence C family zoning district.

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

- (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.

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.
- (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.
- (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.
- (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.

20.650 *Affordability.* The Inclusionary Housing requirements of Section 11.200 shall apply to any new dwelling units that exceed the threshold for an Inclusionary Project as set forth in Section 11.201. Any project which receives a special permit pursuant to this Section, but does not exceed the threshold for an Inclusionary Project, shall provide no less than one Affordable Unit, as defined in section 11.201 and subject to the Standards for Construction and Occupancy of Affordable Units set forth in Section 11.204.

Special Permit for Reduction of Required Parking

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. 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.
- (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.
- (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.

Example: Office and Theatre uses with peak user demands at different times. Office requires a minimum of one hundred and fifty (150) spaces and the theatre requires a minimum of one hundred (100). Seventy-five (75) percent of the lesser minimum requirement is seventy-five (75) (75% of 100). Therefore seventy-five (75) spaces can be shared but twenty-five (25) (100-25) would still be required, making the total amount or required parking for both uses (150 + 25) one hundred and seventy-five (175).

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

Special Permit to Modify Access Standards for Bicycle Parking

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:

- 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.
- 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.

General Criteria for Issuance of a Special Permit

- 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
 - (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
 - (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
 - (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
 - (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
 - (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

19.30 Citywide Urban Design Objectives [SUMMARIZED]

Objective	Indicators
New projects should be responsive to the existing or anticipated pattern of development.	<ul style="list-style-type: none"> • Transition to lower-scale neighborhoods • Consistency with established streetscape • Compatibility with adjacent uses • Consideration of nearby historic buildings
Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.	<ul style="list-style-type: none"> • Inhabited ground floor spaces • Discouraged ground-floor parking • Windows on ground floor • Orienting entries to pedestrian pathways • Safe and convenient bicycle and pedestrian access
The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.	<ul style="list-style-type: none"> • Location/impact of mechanical equipment • Location/impact of loading and trash handling • Stormwater management • Shadow impacts • Retaining walls, if provided • Building scale and wall treatment • Outdoor lighting • Tree protection (requires plan approved by City Arborist)
Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.	<ul style="list-style-type: none"> • Water-conserving plumbing, stormwater management • Capacity/condition of water and wastewater service • Efficient design (LEED standards)
New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.	<ul style="list-style-type: none"> • Institutional use focused on existing campuses • Mixed-use development (including retail) encouraged where allowed • Preservation of historic structures and environment • Provision of space for start-up companies, manufacturing activities
Expansion of the inventory of housing in the city is encouraged.	<ul style="list-style-type: none"> • Housing as a component of large, multi-building development • Affordable units exceeding zoning requirements, targeting units for middle-income families
Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.	<ul style="list-style-type: none"> • Publicly beneficial open space provided in large-parcel commercial development • Enhance/expand existing open space, complement existing pedestrian/bicycle networks • Provide wider range of activities