



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2017 FEB 16 PM 4:22
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	318
Address:	55 Regent Street
Zoning:	Residence B (B)
Applicant:	Robert Purdy 15 Westwood Road, Somerville, MA
Owner:	Robert Purdy/55 Regent Street LLC 15 Westwood Road, Somerville, MA
Application Date:	September 1, 2016
Date of Planning Board Public Hearing:	October 18, 2016
Date of Planning Board Decision:	January 24, 2017
Date of Filing Planning Board Decision:	February 16, 2017
Application:	Special Permit to convert non-residential structures to residential use (Section 5.28.2) and Special permit to exempt basement area from the calculation of Gross Floor Area (Article 2.000, Definition of Gross Floor Area) in order to repurpose the existing two-story warehouse building into a three-story building with 3 residential units and below-grade parking for 6 cars.
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 9/1/2016, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Community Outreach Summary, Project Narrative, plan set titled 55 Regent Street, prepared by Boyes-Watson Architects, dated 9/1/2016.
2. Revised material submitted on 12/6/2016, including structural report from Michael E. Waterman dated 10/28/2016, revised dimensional form, additional community outreach report, parking demand study by Design Consultants, Inc. dated 11/15/2016, geotechnical report by Geotechnical Partnership, Inc. dated 11/3/2016, and revised plan set dated 12/05/2016.

Other Documents

3. Memorandum to the Planning Board from Community Development Department staff, dated 10/12/2016.
4. Memorandum to the Planning Board from Department of Public Works staff, dated 10/12/2016.
5. Memorandum to the Planning Board from Community Development Department staff, dated 1/19/2017.

Other Documents

6. Email communication to the Planning Board from Kamal Sanjakdar, dated 10/13/2016.
7. Letter to the Planning Board from Jasanne Blanchard, dated 10/17/2016.
8. Email communication to the Planning Board from Bart and Ann Jenkins, dated 10/17/2016.
9. Email communication to the Planning Board from Alyson Gounden Rock, dated 10/18/2016.
10. Email communication to the Planning Board from Janet B. Barker, dated 10/18/2016.
11. Email communication to the Planning Board from Eva Alpert, dated 10/18/2016.
12. Email communication to the Planning Board from Craig Kelley, dated 1/24/2017.

APPLICATION SUMMARY

The applicant proposes to convert the existing two-story non-residential building into a three-story building, with 3 residential units and below-grade parking for 6 cars. The proposal also includes addition of landscaped planters in the front yard and façade improvements. The site is located entirely in the Residence B District. The requested special permits are discussed in detail in the Findings below. The project will also require variances from the Board of Zoning Appeal for the additional gross floor area constructed outside of the existing building envelope and for alteration of a non-conforming structure.

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 nonresidential 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.*

In reaching a determination, the Board may require that the Applicant provide elements of a Parking Analysis as set forth in Section 6.35.3 of the Zoning Ordinance. Where a project is subject to additional criteria as specified in Section 5.28.28.2 below, a Parking Analysis shall be required to be included with the Special Permit Application.

The applicant submitted a report on on-street parking demand in that neighborhood prepared by Design Consultants, Inc. The study indicated that there is adequate parking in the neighborhood to support four dwelling units at 55 Regent Street; however, in response to concerns expressed by neighbors, the Applicant agreed to reduce the project to a total of three dwelling units and to provide two off-street parking spaces per unit, which is more than adequate to serve expected demand. Further, with the addition of two on-street parking spaces due to the reduction of existing curb cut width, the proposed project will have negligible impact on the parking needs in the neighborhood.

- (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 will not create new openings (i.e., historic windows will remain closed with brick) along the side façades and will use translucent, but not fully transparent, glass block in some of the openings in the rear façade in response to privacy considerations. No new openings are proposed along the rear and side façades of the existing building. The proposed penthouse additions, including the rooftop decks, are oriented and offset inward from the building façades to buffer and screen such areas from abutting residences.

- (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 project does not increase open space outside of the footprint of the existing structure but will create courtyards located internal to the building and not visible along the building façades. The rooftop decks are set inward from the building edge to reduce their impact and to provide visual and sound privacy.

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

The addition of interior courtyards, rooftop decks and landscaped planters 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*

All parking is located within the structure in the below grade garage and therefore will not affect open space on the lot.

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

Since only three units are being proposed, common use outdoor space is limited to the entry courtyard while providing private open space for each unit as internal courtyards and rooftop decks.

- (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 two community meetings for this project and submitted reports to the Planning Board. The applicant responded to the concerns regarding unit density and parking by reducing the scope of the project to three units from the initial four units proposed and increasing parking from one to two spaces per unit. The plan of the roof-top addition was revised to address privacy concerns by locating the decks more inward from the building façades. Community members also raised concerns about potential impacts on groundwater in the area, in response to which the applicant submitted a report provided by a geotechnical engineer and described to the Planning Board the subsurface construction methods that would be used to minimize impact on groundwater levels and to prevent water from entering the basement thereby precluding the need for dewatering during or after construction.

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 less than 6 units, no additional multifamily or townhouse special permit is required.

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 no trees over three inch caliper. 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. The proposed rooftop addition utilizes a variety of architectural scaling elements to help reduce visual bulk and to sensitively respond to the existing pattern of development in the area.

- (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 planter beds along Regent Street, which will provide visual benefits to the residents of the buildings and to the general public. The internal courtyards will be private outdoor amenities for the residents.

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

All parking spaces are accommodated in a below grade garage. The width of the existing curb cut on Regent Street will be limited to the driveway accessing the basement garage and will result in the creation of additional on-street public parking spaces. TP&T has approved the reduction of the existing curb cut width along with the proposed sidewalk improvements.

- (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.*

All parking spaces are tucked under the existing building and accessed via a driveway utilizing the existing curb cut with minimum impact to the neighboring properties. The front entrances of the residential units along the streets are not impacted by the location of the parking area on the site.

- (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 an enclosed trash and recycling room at the parking level of the building that will be obscured from the residents of the building and its neighbors. This room has been located so that it is easily accessible for use by residents and for servicing of trash pickup through the garage. No electrical transformer is expected to be required for this project.

2. Definition of Gross Floor Area (Article 2.000)

The Zoning Ordinance allows that the definition of Gross Floor Area may be modified by special permit as set forth below.

Gross Floor Area shall not include: ...

- (15) *Any basement or cellar living space in any single-family or two-family home.*
- (16) *Any basement or cellar living space in any other type of structure with the issuance of a special permit. In granting such a special permit, the permit granting authority may approved the exemption of any portion of Gross Floor Area (GFA) located in a basement or cellar from the calculation of GFA, provided the permit granting authority finds that the uses occupying such exempted GFA support the character of the neighborhood or district in which the applicable lot is located.*

As the basement areas will be primarily used for parking, storage and mechanical equipment, the Board finds the uses proposed for the basement area of the project to be typical of other residential buildings in the area and therefore supportive of the character of 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 with the exception of variances for additional floor area that will be sought from the Board of Zoning Appeal.

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

The proposed three (3) new dwelling units with six (6) off-street parking spaces is not anticipated to cause particular congestion or hazard. The existing curb cut will be reduced in width to only provide access to the parking garage, therefore improving pedestrian and vehicular movement and parking along Regent Street.

(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 will not adversely affect adjacent uses that exist, which are also residential or that are anticipated in the future. The proposed project will improve the streetscape with landscape and façade improvements.

(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. The applicant has responded to concerns that have been raised regarding groundwater levels in the area by employing construction methods that will preclude the need for dewatering.

(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 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.

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 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 are Special Permit Application Documents Revision #1 - 12.01.16, dated 12/05/2016. 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 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 Building Permit:
 - a. Selection of all exterior materials, colors, and details.
 - b. The façade alterations and exterior materials shall be reviewed by the Cambridge Historical Commission staff in consultation with CDD.
 - c. The landscape details, particularly associated with planter beds in the front yard.
 - d. Screening treatment of rooftop decks and treatment of the rear façade windows, in particular the type of glass block proposed.
 - e. The final stormwater management plan shall be reviewed and approved by Department of Public Works (DPW) staff.
4. 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., H Theodore Cohen, Hugh Russell, Tom Sieniewicz and Associate Members Thacher Tiffany and Ahmed Nur, appointed by the Chair to act on this case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,

A handwritten signature in black ink, appearing to read 'H Theodore Cohen', written over a horizontal line.

H Theodore Cohen, Chair.

A copy of this decision PB #318 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 February 16, 2017, by Swaathi Joseph, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision. No appeal has been filed.

DATE:

City Clerk of Cambridge

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	5000	5,000	No Change	No Change
Lot Width (ft)	50	50	No Change	No Change
Total GFA (sq ft)	9180	2500	9180	9180
Residential Base	N/A	2500	9180	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	9180	0	0	
Inclusionary Bonus	N/A	N/A	N/A	
Total FAR	1.84	0.5	1.84	Consistent with Application Documents and applicable zoning requirements
Residential Base	N/A	0.5	1.84	
Non-Residential Base	1.84	N/A	0	
Inclusionary Bonus	N/A	N/A	0	
Total Dwelling Units	0	2	3	3
Base Units	0	2	3	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	N/A	N/A	0	
Base Lot Area / Unit (sq ft)	N/A	2,500	1,667	
Total Lot Area / Unit (sq ft)	N/A	2,500	1,667	
Height (ft)	27	35	35	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	9.8	15	No change	
Side Setback (ft)	0	7.5 (min); sum 20	No change	
Rear Setback (ft)	0	25	No change	
Open Space (% of Lot Area)	0	40	40.5	Consistent with Application Documents and applicable zoning requirements
Private Open Space	0	20	0	
Permeable Open Space	0	20	7.5	
Off-Street Parking Spaces	0	3	6	6
Long-Term Bicycle Parking	0	N/A	0	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	0	N/A	0	
Loading Bays	0	N/A	0	