



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

2018 MAY -8 PM 2:58

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## NOTICE OF DECISION

|   |   |
|---|---|
| Case Number:                            | 335   |
| Address:                                | 51 Dudley Street (47, 51 Dudley Street and 29 Cedar Street)   |
| Zoning:                                 | Residence B   |
| Applicant:                              | Ricky Monogle<br>d/b/a RJM Development, LLC<br>47 Dudley Street, Cambridge, MA  |
| Owner:                                  | RJM Development, LLC<br>47 Dudley Street, Cambridge, MA   |
| Application Date:                       | April 5, 2018   |
| Date of Planning Board Public Hearing:  | April 24, 2018  |
| Date of Planning Board Decision:        | April 24, 2018  |
| Date of Filing Planning Board Decision: | May 8, 2018   |
| Application:                            | Special Permit to convert non-residential structure to residential use (Section 5.28.2) to repurpose an existing single-story office building into a single-family residential dwelling with 632 square feet of gross floor area (GFA) on a lot that also contains two existing three-family dwellings, resulting in a total of seven dwelling units on the lot and two surface parking spaces. |
| 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](mailto:lpaden@cambridgema.gov).

## **DOCUMENTS SUBMITTED**

### Application Documents and Supporting Material

1. Special Permit Application dated 4/3/2018, containing, *inter alia*, the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Community Outreach Summary, Project Narrative, and plan set entitled “Bldg. 3, 47 Dudley Street,” dated 03/22/2018 prepared by The MZO Group.

### Other Documents

2. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 4/17/2018.
3. Memorandum to the Planning Board from Katherine R. Watkins, City Engineer, dated 4/17/2018.

## APPLICATION SUMMARY

The applicant proposes to convert the office building into a single-family residential dwelling. The GFA will be increased by 210 square feet by an internal addition of loft area and no changes to the exterior of the existing structure are proposed. The lot also contains two three-family dwellings and two off-street parking spaces that will not be altered. One off-street parking space is proposed to serve the proposed new dwelling. No additional off-street parking spaces or long-term bicycle parking spaces are proposed, though exterior bicycle racks are proposed to be installed on the lot. The site is located entirely in the Residence B District. The requested special permits are discussed in detail in the Findings below.

## FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

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

*Where it is proposed to convert an existing principal use structure, designed and built for 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.*

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#### *5.28.28 Criteria for approval of a Special Permit*

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

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

The project will add just one additional dwelling unit on the parcel and one of the two existing off-street parking spaces is proposed to be assigned to the new residential unit. The proposed change of use will have minimal impact on on-street parking, as there are fewer vehicle trips to a residence than an office. The Board did not find a detailed Parking Analysis to be necessary.

- (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 new residential unit is located at the corner and screened from abutting properties by the other two existing structures on the parcel. Hence the location of windows and entries will not impact the existing levels of privacy for the abutters.

- (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 existing structures provide very little yard space on the lot. The proposed project does not reduce open space outside of the footprint of the existing structure. As noted, the two existing three-family dwellings screen the proposed new dwelling from abutting lots.

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

The proposed landscaped areas will improve the quality of open space, offering future building residents modest opportunities for outdoor use while protecting privacy.

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

The parking is located within an existing paved area tucked between two buildings on the parcel. There is limited opportunity to create additional green area while retaining the existing building footprints and parking spaces.

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

Common spaces are impractical and unnecessary since the converted building will be a single-family dwelling, and the other buildings on the lot are three-family dwellings.

- (d) Community Outreach. The Planning Board shall consider what reasonable efforts have been made to address concerns raised by abutters and neighbors to the project site. An applicant seeking a special permit under this Section 5.28.2 shall solicit input from affected neighbors before submitting a special permit application. The application shall include a report on all outreach conducted and meetings held, shall describe the issues raised by community members, and shall describe how the proposal responds to those issues*

The applicant conducted a community meeting for this project and submitted a report to the Planning Board. No issues were raised by community members.

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 proposes to create only one new single-family dwelling, no additional multifamily or townhouse special permit is required per Section 4.26 of the Zoning Ordinance.

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

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

The proposed development will retain the existing building footprints and parking spaces, and will improve the landscaped areas on the site. No trees are proposed to be removed.

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

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

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

The proposed development will create landscaped planter beds along Dudley Street and Cedar Street, which will provide visual benefits to the residents of the buildings and to the general public. The proposed landscaped seating area in the rear will benefit the buildings' residents.

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

Existing parking spaces are retained at grade with no modification to the existing curb cut on Dudley Street.

- (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.*

The existing parking area is located between two buildings and is limited to just two spaces. Hence it is impractical to provide additional parking area landscaping.

- (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 outdoor trash collection area behind 51 Dudley Street building, which while not adjacent to the buildings on the parcel and abutting properties is convenient for the residents and unobtrusive. No electrical transformer is expected to be required for this project.

## 2. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

*10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:*

- (a) *It appears that requirements of this Ordinance cannot or will not be met, or ...*

Upon granting of the requested special permits, it appears that the requirements of the Ordinance will be met.

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

The proposed addition of a single-family dwelling is not anticipated to cause particular congestion, hazard, or substantial change in the residential neighborhood character given that single-family dwellings are otherwise allowed.

- (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 uses that are anticipated in the future.

- (d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or ...*

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

- (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...*

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

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

The Board finds no inconsistency with the citywide urban design objectives. The urban design objectives are generally supported in the proposal by the expansion of the inventory of housing, improved streetscape appearance, consistency with the pattern of development in the area, minimal environmental impacts on abutters and minimal impact on City infrastructure.

## DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents and plan set prepared by The MZO Group dated 03/22/2018 included in the application materials, and the additional Conditions of this Special Permit 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.
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 a Building Permit except where otherwise noted:
  - a. Façade details, including the building's cornice and location of any through wall vents.
  - b. Location and screening of any mechanical or electrical equipment.
  - c. Bicycle parking, which shall be reviewed by Traffic, Parking and Transportation Department (TP&T) staff.
  - d. Onsite infrastructure needs and below-grade flood mitigation measures, which 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., Steven Cohen, H Theodore Cohen, Hugh Russell, Tom Sieniewicz and Associate Members Corinne Espinoza and Nikolas Bowie, 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". The signature is fluid and cursive, with the first letter "H" being particularly large and stylized.

H Theodore Cohen, Chair.

A copy of this decision PB #335 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision has been filed on May 8, 2018 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:

\_\_\_\_\_ no appeal has been filed; or

\_\_\_\_\_ an appeal has been filed within such twenty days.

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

Date: \_\_\_\_\_, City Clerk

Appeal has been dismissed or denied.

Date: \_\_\_\_\_, City Clerk

**Appendix I: Approved Dimensional Chart**

|                               | Existing   | Allowed or Required | Proposed  | Permitted  |
|-------------------------------|------------|---------------------|-----------|--|
| Lot Area (sq ft)              | 5,383      | 5,000               | No Change | No Change  |
| Lot Width (ft)                | 83.1       | 50                  | No Change | No Change  |
| Total GFA (sq ft)             | 8,080      | 2,634               | 8,290     | 8,290  |
| Residential Base              | 7,658      | 2,634               | 8,290     | Consistent with Application Documents and applicable zoning requirements |
| Non-Residential Base          | 422        | 0                   | 0         |  |
| Inclusionary Bonus            | N/A        | N/A                 | N/A       |  |
| Total FAR                     | 1.5        | 0.5 <sup>1</sup>    | 1.54      | Consistent with Application Documents and applicable zoning requirements |
| Residential Base              | 1.42       | 0.5                 | 1.54      |  |
| Non-Residential Base          | .08        | 0                   | 0         |  |
| Inclusionary Bonus            | N/A        | N/A                 | N/A       |  |
| Total Dwelling Units          | 6          | 2                   | 7         | 7  |
| Base Units                    | 6          | 2                   | 7         | Consistent with Application Documents and applicable zoning requirements |
| Inclusionary Bonus Units      | N/A        | N/A                 | 0         |  |
| Base Lot Area / Unit (sq ft)  | 897.16     | 2,500 <sup>2</sup>  | 769       |  |
| Total Lot Area / Unit (sq ft) | 897.16     | 2,500               | 769       |  |
| Height (ft)                   | 34         | 35                  | No change | Consistent with Application Documents and applicable zoning requirements |
| Front Setbacks (ft)           | 0          | 15                  | No change |  |
| Side Setback (ft)             | 0 – 3.6    | 7.5 (sum 20)        | No change |  |
| Side Setback (ft)             | 0 - 5      | 7.5 (sum 20)        | No change |  |
| Rear Setback (ft)             | 8.8 – 15.4 | 25                  | No change |  |
| Open Space (% of Lot Area)    | < 40       | 40                  | No change | Consistent with Application Documents and applicable zoning requirements |
| Private Open Space (%)        | < 40       | 40                  | No change |  |
| Permeable Open Space (%)      | < 20       | 20                  | No change |  |
| Off-Street Parking Spaces     | 2          | 7                   | 2         | 2  |
| Long-Term Bicycle Parking     | 0          | 7                   | 0         | Consistent with Application Documents and applicable zoning requirements |
| Short-Term Bicycle Parking    | 0          | 1                   | 8         |  |
| Loading Bays                  | 0          | N/A                 | 0         |  |

<sup>1</sup> 0.35 for portions exceeding 5,000 sq. ft.

<sup>2</sup> 4,000 sq. ft. for portions exceeding 5,000 sq. ft.