



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2018 NOV 14 AM 11:56
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	337
Address:	178 Elm Street
Zoning:	Residence C-1
Applicant:	Nelson Group, LLC 264 Salem Street, Medford, MA 02155
Owner:	CASA BENEFICA, LLC 264 Salem Street, Medford, MA
Application Date:	May 10, 2018
Date of Planning Board Public Hearing:	June 5, 2018; continued to October 30, 2018
Date of Planning Board Decision:	October 30, 2018
Date of Filing Planning Board Decision:	November 14, 2018
Application:	Special Permit to convert non-residential structure to residential use (Section 5.28.2) in order to convert an existing institutional social club into six dwelling units. The project is also seeking a special permit for reduction of required parking per Section 6.35.1 and a special permit to modify the access standards for long-term bicycle parking per Section 6.108.
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 containing *inter alia*, the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Community Outreach Summary, Project Narrative, Parking Assessment prepared by Vanasse & Associates, Inc. dated 4/25/2018, and plan set titled: 178 Elm St. Residences, prepared by Khalsa Design, dated 5/18/2018.
2. Presentation slides shown to Planning Board on 6/5/2018.
3. Revised Special Permit Application including Responses to the Comments of the Planning Board and plan set titled 178 Elm St. Residences, prepared by Khalsa Design, dated 8/7/2018.
4. Presentation slides shown to Planning Board on 10/30/2018.

Other Documents

5. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 5/30/2018.
6. Memorandum to the Planning Board from Katherine F. Watkins, City Engineer, Department of Public Works (DPW), dated 5/29/2018.
7. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 9/25/2018.

APPLICATION SUMMARY

The applicant proposes to convert the existing structure, originally built for a non-residential use and previously used as a private social club (an institutional use), into a multi-family residential building containing six dwelling units. The internal addition of a floor is proposed, increasing the gross floor area of the building from 7,400 square feet to 9,142 square feet. The project is also seeking a special permit for reduction of required parking per Section 6.35.1 as no off-street parking is currently provided or proposed on the site. The project will provide lockers for six (6) long-term bicycle parking spaces at the rear of the site. A special permit is sought to modify the access standards for long-term bicycle parking because the width of the path will not meet the access standards set forth in Section 6.106 due to the existing conditions of the site. The site is located entirely in the Residence C-1 District within the Wellington-Harrington neighborhood. 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 hearings, 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 non residential 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.

The project will not add dwelling units above the limits established in the base zoning requirements. The project will also not meet the off-street parking requirements as the footprint of the existing structure and lack of driveway access make on-site parking infeasible without making substantial alterations to the structure that would be contrary to the intent of this section of the Zoning Ordinance. A parking analysis prepared by Vanasse & Associates, Inc. has been provided to support a requested waiver from off-street parking requirements, which indicates that the impact on the surrounding on-street parking by the residential use will be much lesser compared to the previous use as a social club.

- (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 have a privacy fence around the perimeter to screen the uses at the ground level in the backyard. All new window openings are in line with the existing windows and provide adequate privacy for adjacent properties. External lighting is limited to provide safe and secure access to the building doorways and yard in the back side.

- (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 improve the rear yard with more pervious area. The proposed fence along the back yard will screen the windows wells in that area.

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

The rear yard will have increased amount of pervious area open space, offering future building residents modest opportunities for outdoor use while the fence

offers privacy. The impervious areas in front of the building will be replaced with light wells and screened with flowering shrubs.

- (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*

On-site parking is infeasible because the side yards cannot accommodate a driveway. The Board finds it preferable to retain landscaped open space as proposed.

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

There is no common recreational space within the building due to the layout of the structure. However, the rear yard with improved landscaping will provide some passive outdoor area.

- (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. The community meeting identified general support for the proposed residential project in the neighborhood and the applicant tried to identify off-site parking options in response to the comments heard from the neighborhood. Neighbors appeared at the public hearing to comment on the project and were generally supportive.

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 fewer than 12 units in a Residence C-1 district, 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.*

At present, the site has a large building footprint and paved areas with limited natural landscape features and no trees. The proposed development will retain the building footprint, but will moderately 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 restoring the historic character of the building.

- (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 Elm Street, which will provide visual benefits to the residents of the buildings and to the general public. The landscape improvements of the rear yard will offer private passive outdoor amenities for the residents.

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

On-site parking is not proposed for the project.

- (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.*

No on-site parking is proposed.

- (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 that will be screened from the neighbors with a fence. The outdoor bicycle storage in the rear yard will be screened with shrubs. No electrical transformer is expected to be required for this project.

2. Special Permit for reduction of required parking (Section 6.35.1)

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. ...

The proposed project seeks approval to reduce the required amount of off-street accessory parking. The basis for the requested reduction is that the location of the site is within walking distance from Kendall Square and Central Square and the area is served by MBTA bus routes. The current proposal to reduce parking for the proposed development is consistent with the city-wide goals to discourage driving and encourage other modes of transportation and serves to reduce auto trip generation and thereby mitigate potential traffic impacts, as discussed earlier in these Findings. The project is seeking approval to waive the parking requirements for 6 residential units. Such relief is allowed by special permit pursuant to Section 6.35.1 and Section 10.45, which allows the Planning Board to grant special permits otherwise within the purview of the Board of Zoning Appeal for projects that are also subject to Planning Board special permit approval.

In lieu of providing arrangements for off-street shared parking, which was investigated by the applicant but determined to be infeasible, the Applicant has agreed that the Property Owner shall offer to pay an annual Gold-level Bluebikes (or its successor public bicycle sharing service) bikeshare membership for residents (up to 2 per household) that choose to be Bluebikes (or its successor public bicycle sharing service) members. For apartment tenancy, this benefit would be a one-time annual membership of up to two memberships per unit offered to new household tenants upon unit turnover. The purpose of this is to help establish the habit of bicycling and taking transit by tenants instead of needing to own a vehicle. For condominium units, the original property owner that sells a unit as a condominium will offer the new condominium purchasers (up to 2 adults per unit) a Bluebikes (or its successor public bicycle sharing service) annual membership. This is intended to incentivize the first condo owners to use the bikeshare system but is not required if individual condominium owners subsequently sell their unit. Hence, given the modest size of the project, availability of alternative transportation options, and agreed upon mitigation, the Board finds that there will be minimum impact on availability of parking and no other adverse impacts on the neighborhood. The Board also finds that the reduction in parking will be reasonable in light of the considerations set forth below.

... In making such a determination the Board shall also consider whether or not less off street parking is reasonable in light of the following:

- a. *The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station.*

The project is within an area served by multiple MBTA bus route stops serving Cambridge and surrounding towns. The Kendall Square and Central Square MBTA Red Line stations are within walking distance from the project.

- b. *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.*

The commercial parking lot at One Kendall Square is within six blocks from the site.

- c. *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.*

Shared use of off street parking spaces serving other uses has not been proposed.

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

No such restrictions exist; however, the reduction in parking anticipates a less auto-dependent future for the area as the Applicant has shown that residents in this particular area tend to prefer public transit or other modes of commuting.

- e. *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.*

The reduction in parking is preferable because it promotes efficient use of the existing transit options and prevents the need to build additional parking on the site, which positively impacts the urban design of the area.

- f. *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.*

The project does not include affordable units. Providing parking compliant with zoning requirements is not feasible without demolishing the existing building or making substantial alterations contrary to the intent of Section 5.28.2 of the Zoning Ordinance.

3. Modification of Bicycle Parking Standards (Section 6.108)

(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:

The Board finds that the proposal for bicycle parking is consistent with the purpose of the bicycle parking requirements in Section 6.100, and that with the exception of providing access through non-conforming access routes along west side of the existing building, the city's standards will be met. The requested modification is necessitated by the specific circumstances of the site and the proposal.

(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.

The project proposes a total of 6 long-term bicycle parking spaces, in bicycle lockers at the rear of the site. All of the spaces will meet the city's requirements for layout and spacing of bicycle parking areas, therefore improving convenience for users. The project requests a modification because access to the spaces will require traveling through the side yard, which does not meet the requirements for a primary access route as the path is not five feet wide. The proposal makes significant effort to provide convenient and usable bicycle parking, given the existing conditions.

(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.

No modifications to location or quantity are proposed. A total of 6 long-term bicycle parking spaces will be provided, which will meet the zoning requirement.

4. 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 six (6) new multi-family dwelling units are not anticipated to cause congestion or hazard.

(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 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 contained in the plan set entitled: 178 Elm St. Residences, prepared by Khalsa Design, dated 8/7/2018. 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:
 - a. Façade and exterior material details, including masonry repairs, repointing, window details, doors, paint, lighting, and other preservation issues in consultation with Cambridge Historical Commission staff.
 - b. Landscape details including planters, railings and storage locations for trash/recycling bins.
 - c. Location of any site-located electrical equipment that may be required.
 - d. The design of all external lighting, including conformance with technical guidelines recommended in the proposed Cambridge Outdoor Lighting Ordinance.
 - e. Final drainage and stormwater management plan, to be reviewed and approved by Department of Public Works (DPW) staff.
4. The Permittee shall offer to pay an annual Gold-level Bluebikes (or its successor public bicycle sharing service) bikeshare membership for residents (up to 2 per household) that choose to be Bluebikes (or its successor public bicycle sharing service) members. For apartment tenancy, this benefit would be a one-time annual membership (up to 2 per unit) and offered to new household tenants upon unit turnover. The purpose of this is to help establish the habit of bicycling and taking transit by tenants instead of needing to own a vehicle. For condominium units, the original property owner that sells a unit as a condominium shall offer the new condominium purchasers (up to 2 adults per unit) a Bluebikes (or its successor public bicycle sharing service) annual membership. This is

intended to incentivize the first condo owners to use the bikeshare system but is not required if individual condominium owners subsequently sell their unit.

5. To meet the short-term bicycle requirement of Section 6.107.3 of the Zoning Ordinance, the Permittee shall make a public contribution to the Public Bicycle Parking Fund for one (1) bicycle rack prior to issuance of a Certificate of Occupancy.
6. 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, Catherine Preston Connolly, Mary Flynn, Hugh Russell and Associate Members Nikolas Bowie and Corrine Espinoza, appointed by the Vice 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 cursive script that reads "Catherine Preston Connolly". The signature is written in dark ink and is positioned above the printed name of the signatory.

Catherine Preston Connolly, Vice Chair.

A copy of this decision PB #337 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 November 14, 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)	4,000 +/-	5,000	No Change	No Change
Lot Width (ft)	35.4	50	No Change	No Change
Total GFA (sq ft)	7,400	3,000	9,142	9,142
Residential Base	0	3,000	9,142	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	7,400	3,000	0	
Inclusionary Bonus	N/A	N/A	N/A	
Total FAR	1.85	0.75	2.28	Consistent with Application Documents and applicable zoning requirements
Residential Base	0	0.75	2.28	
Non-Residential Base	1.85	0.75	0	
Inclusionary Bonus	N/A	N/A	0	
Total Dwelling Units	0	7	6	6
Base Units	0	7	6	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	N/A	N/A	0	
Base Lot Area / Unit (sq ft)	N/A	1,500	666.66	
Total Lot Area / Unit (sq ft)	N/A	1,500	666.66	
Height (ft)	40	35	No change	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	6 +/-	10 (min)	No change	
Side Setback (ft)	1 +/-	7.5 (min)	No change	
Rear Setback (ft)	24 +/-	20	No change	
Open Space (% of Lot Area)	22.5	30	No change	Consistent with Application Documents and applicable zoning requirements
Private Open Space	<15	15	No change	
Permeable Open Space	<15	15	No change	
Off-Street Parking Spaces	0	6	0	0
Long-Term Bicycle Parking	0	6	6	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	0	1	0	
Loading Bays	0	N/A	0	