

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2019 FEB 11 PM 3:33
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	343
Address:	199 Pemberton Street
Zoning:	Residence B District
Applicant:	Rosi and Brian Amador 199 Pemberton Street, Cambridge, MA
Owner:	Brian Folkins and Rosemarie Straijes-Amador 199 Pemberton Street, Cambridge, MA
Application Date:	November 13, 2018
Date of Planning Board Public Hearing:	December 18, 2018
<u>Date of Planning Board Decision:</u>	<u>December 18, 2018</u>
Date of Filing Planning Board Decision:	February 11, 2019
Application:	Request for special permits pursuant to Section 5.53.2 of the Zoning Ordinance to allow construction of more than one principal residential structure on a lot where one structure is farther than 75 feet from the street line and Section 6.43.5 for more than one curb cut on a lot that is less than 100 feet wide.
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 11/13/2018, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative, Community Outreach Summary, plan set titled Amador Development, prepared by Baron+Associates, Inc., dated 8/8/2018.
2. Presentation slides shown to Planning Board on 12/18/2018.

City of Cambridge Documents

3. Memorandum to the Planning Board from Katherine F. Watkins, City Engineer, Department of Public Works (DPW), dated 12/3/2018.
4. Memorandum to the Planning Board from Community Development Department staff, dated 12/7/2018.

Other Documents

5. Email communication from Lyn G. Brakeman and Richard J. Simeone to the Planning Board, dated 9/24/2018.
6. Email communication from James and Susan Zall to the Planning Board, dated 10/2/2018.
7. Email communication from Fern Supawanich to the Planning Board, dated 10/3/2018.
8. Email communication from Chala Hadimi to the Planning Board, dated 10/10/2018.
9. Letter to the Planning Board from Pamela and Donald Giller, dated 12/17/2018.

APPLICATION SUMMARY

The Applicant proposes to renovate the existing single-family residential building and construct a detached structure with two additional dwelling units on the lot with a new curb cut on Pemberton Street to provide required off-street parking for the new dwelling units on the site. The proposed two-family house in the rear would be more than seventy-five (75) feet from Pemberton Street. The base zoning is Residence B and the parcel is located in the North Cambridge 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 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. Special Permit for more than one structure containing a principal residential use (Section 5.53.2)

Because the proposal includes two principal residential structures on the lot, and one of those structures is more than seventy-five (75) feet from the abutting street line of Pemberton Street, the following provisions of the zoning ordinance apply.

In Residence B districts more than one structure containing a principal residential use is allowed on a lot by special permit from the Planning Board provided the Board finds:

5.53.2

- (a) *that development in the form of two or more structures on the lot will not significantly increase or may reduce the impact of the new construction should it occur in a single structure; or*
- (b) *That two or more structures may provide identifiable benefits beyond that provided should all construction be in a single structure. In making its findings the Board shall consider the impact of the new construction on the following:*
- (1) *the extent to which the preservation of a large contiguous open space in the rear of the lot or series of adjacent lots is achieved through the provision of a rear yard setback significantly greater than that required and through the dedication of that rear yard as Green Area, as defined in this Ordinance,*
 - (2) *incentives for the location of buildings and parking facilities in the front half of a lot in a pattern compatible with the development pattern prevailing in the neighborhood,*
 - (3) *the extent to which two or more structures provides an enhanced living environment for residents on the lot,*

- (4) *incentives to retain existing structures on a lot, particularly any structure determined to be a Preferably Preserved Significant structure by the Cambridge Historical Commission,*
- (5) *the opportunities presented to reduce the visual impact of parking from the public street and from adjacent lots,*
- (6) *The increased opportunities to reduce the height and bulk as new construction is deeper into a lot or closer to structures on abutting lots.*

The proposed project will provide separate private open space for each residence in addition to meeting all yard (setback) requirements. With the preservation of the existing structure, the streetscape view is not altered. The proposed detached structure will be more modest in scale with a smaller building footprint and a less massive built form than an attached three-family structure that could be built as-of-right. For these reasons, the Board finds that development in the form of two structures will not significantly increase the impact of new construction, and therefore the proposal meets the criteria set forth in Section 5.53.2, Paragraph (a).

2. Special Permit for additional curb cut on frontage of less than 100 feet (Section 6.43.5.c)

6.43 Access for Off Street Parking Facilities. Off street parking facilities shall have maneuvering areas and appropriate means of vehicle access to a street and shall be so designed as not to constitute a nuisance, hazard, or unreasonable impediment to traffic.

6.43.3 Curb cuts for off street parking facilities shall comply with the following standards:

- (c) *No more than one curb cut per lot for lots with less than one hundred (100) feet of frontage shall be allowed. A maximum of one curb cut for every one hundred (100) feet of street frontage or portion thereof shall be allowed for lots having frontage in excess of one hundred feet.*

6.43.5 [Pursuant to Section 10.45 of the Zoning Ordinance, the Planning Board] may grant a special permit modifying the provisions of this subsections 6.43 in accordance with the following conditions:

- (c) *The maximum of one curb cut for every one hundred (100) feet of street frontage as required in paragraph 6.43.3 (c) may be modified if the Board determines that traffic and safety would be facilitated by exceeding this maximum.*

The existing curb cut is directly into the garage of the existing building, limiting shared access to the proposed parking spaces for the new units. Hence an additional curb cut is

proposed at the furthest feasible distance from the existing curb cut. Landscape treatments will be provided in the area between the curb cuts to help alleviate the visual impacts of the parking and additional driveway at the sidewalk. For these reasons and given the specific nature of the existing and proposed development on this site, the Board finds that the additional curb cut as proposed will facilitate traffic and safety.

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.~~

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

The proposed construction of a new two-family dwelling with two off-street parking spaces is not anticipated to cause particular congestion or hazard or substantial change in the neighborhood character.

(c) *the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...*

The proposed residential use complies with the allowed uses in this district, and hence will not adversely affect adjacent uses that exist or 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 uses 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 consistent with the provisions of the Zoning Ordinance. The neighborhood generally consists of single-family and two-family dwellings, and the proposed development resulting in two detached structures on the lot would fit the existing pattern of development.

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

The proposal is not inconsistent with the citywide urban design objectives. The urban design objectives are supported in the proposal with the expansion of the inventory of housing, improved streetscape appearance, compatibility with historic patterns of development, minimal environmental impacts on abutters, and minimal impact on City infrastructure.

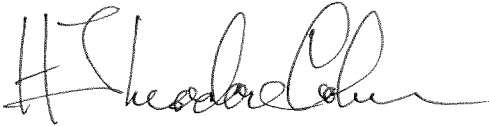
DECISION

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 submitted on 11/13/2018, the plan set titled Amador Development, prepared by Baron+Associates, Inc., dated 8/8/2018, 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 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. The selection of paving materials and landscaping to minimize the visual impact of the driveway and parking area.
 - b. All landscape details, including protections for existing trees, proposed new trees, and treatment of the spaces between the new two-family structure and existing dwelling and between the two driveways.
 - c. All exterior building materials, colors, and details.
 - d. The Applicant shall provide more decorative architectural design details on the front elevation.
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 GRANT the Special Permits were Planning Board Members Louis Bacci, H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Mary Flynn, Hugh Russell, and Tom Sieniewicz, 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 letters of the first and last names being capitalized and prominent.

H Theodore Cohen, Chair.

A copy of this decision PB #343 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 February 11, 2019 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)	11,176	5,000	No Change	No Change
Lot Width (ft)	86.25	50	No Change	No Change
Total GFA (sq ft)	1,605	4,661	3,927	3,927
Residential Base	1,605	4,661	3,927	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	0	0	0	
Inclusionary Bonus	n/a	n/a	n/a	
Total FAR	0.14	0.5/0.35	0.35	Consistent with Application Documents and applicable zoning requirements
Residential Base	0.14	0.5/0.35	0.35	
Non-Residential Base	0	0	0	
Inclusionary Bonus	n/a	n/a	n/a	
Total Dwelling Units	1	3	3	3
Base Units	1	3	2	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	n/a	n/a	n/a	
Base Lot Area / Unit (sq ft)	11,176	2,500	3,725.3	
Total Lot Area / Unit (sq ft)	11,176	2,500	3,725.3	
Height (ft)	22	35	29.5	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	5.5	15	5.5	
Side Setback (ft)	29.7 & 7.9	7.5 (sum 20)	15 & 7.9	
Rear Setback (ft)	94.9	32.4	32.5	
Open Space (% of Lot Area)	82	40	51	Consistent with Application Documents and applicable zoning requirements
Private Open Space	60	20	40	
Permeable Open Space	82	20	47	
Off-Street Parking Spaces	1	3	3	3
Long-Term Bicycle Parking	0	0	0	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	0	0	0	
Loading Bays	0	0	0	

There are no changes to the existing building with regard to height and all setbacks.