

Case: PB #99
Premises: 380 Putnam Ave.
Petitioner: David Aposhian, Cambridge Design and Development
Application Date: August 14, 1992
Public Hearing: September 1, 1992
Petition: Multifamily
Date of Planning Board Decision: October 13, 1992
Decision Filing Date: October 22, 1992
Decision (summary): GRANTED with conditions

CONDITIONS:

- 1) CDD shall review final architectural plans to assure compliance with Decision before issuance of any building permit.

- 2) Permittee shall submit affordable housing plan to the Planning Board.

- 3) Planning Board shall approve the subdivision plan.

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No.: #99
Premises: 380 Putnam Avenue
Zoning District: Residence C
Owner: David Aposhian, Cambridge Design and Development,
applicant
BayBank Harvard Trust Company, owner

Application Date: August 14, 1992

Date of Public Hearing: September 1, 1992

Petition: Special Permit to construct 20 dwelling units in a Residence C District, Section 4.26; in addition as permitted in Section 10.45, variations from certain dimensional standards of the Residence C District, Special Permit to alter a nonconforming building, Article 8.22, e, Special Permit to reduce parking requirements as permitted in Section 6.36.1 and variations from the regulation in Section 6.44.1, and the ratio of compact to full size parking spaces in Section 6.34.

Date of Planning Board Decision: October 13, 1992

Date of filing the Decision: October 22, 1992

Decision (summary): 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 the date of 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 office of Community Development and the City Clerk.

Authorized Representative to the Planning Board

Date

Elizabeth J. Malenfant

10/22/92

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

DECISION

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Application

Documents Submitted

1. Special Permit Application dated August 14, 1992.
2. Letter to the Planning Board from David Aposhian, dated July 18, 1992, re: Board of Zoning Appeal Case #6509, 380 Putnam Avenue.
3. Site plan, elevations, and floor plans, showing the proposed

development, scale 1" = 16'0", drawings numbered S-1 to S-4, A-1 to A-16, titled Howard Industrial School, Cambridge Design and Development, Inc., Planning Board application, dated 9/1/92.

Other Documents Submitted

1. Howard Industrial School, Proposed Development, Cambridge Design and Development, Inc., Planning Board application #99, dated September 1, 1992; book containing a reduced set of plans noted above in item #3, and a list of supporters of the proposal.
2. Letter to the Planning Board from City Councilor William H. Walsh, dated September 14, 1992, supporting the variances and special permit required for 380 Putnam Avenue.
3. Letter to the Planning Board from Daphne Abeel, 148 Pleasant Street, dated September 2, 1992, supporting the proposal.
4. Letter to the Planning Board from Judith Perlman, 157 Hamilton Street, dated September 14, 1992, supporting the proposal.
5. Letter to the Planning Board from Daphne Abeel, 148 Pleasant Street, dated August 22, 1992, in support of the application.

Public Hearing

A public hearing was held on September 1, 1992. David Aposhian distributed a document entitled "Howard Industrial School, Planning Board Application #99", dated September 1, 1992 outlining the proposed housing development consisting of new construction and conversion of an existing industrial building. Mr. Aposhian showed a series of slides of the proposed site and its surroundings; of similar developments by Cambridge Design and Development which illustrate the design intent at Putnam Avenue; and reviewed the specific design proposed on the site. He indicated that the nonconforming protection for the industrial use has lapsed on the site and that housing is the only permitted use without a variance. Four affordable housing units are proposed which would have four of the proposed six private yards in the development (facing Putnam Avenue). The two other private yards are at the front and back of the new building. The affordable units will conform to the CDD guidelines for such units.

The development scheme is intended to avoid a sea of asphalt; 36% of site is open space at the ground level; the zoning code open space, including decks, is 37.3%

There are twenty units proposed with 17 parking spaces (two of which are tandem). The density proposed is similar to the development at River and Pleasant Streets also constructed by the applicant.

The relief sought consists of the following; increase in density of units, reduction in parking, FAR increase, relaxation of the side yard for new building to permit greater amount of green space in the interior of the lot, increased height with a maximum at 50', and such other variances as may be required to permit the subdivision of the site into two lots..

Mr. Aposhian justified the variances by explaining that there is an Office 3 zone across the street which would permit 50 units on the subject parcel if it were applicable on this site; therefore this parcel would become a buffer between that high density and the lower density, Residence C district neighborhood.

Tom McGrath, architect reviewed the building plans. The basement will contain storage. The design is intended to minimize the impact of the undesirable Polaroid parking lot view. The new third floor on the existing building have the same footprint as the lower floors, with the top floor set back. The building will be sheathed in wood to be much like the housing under construction at Mt. Vernon Street now. Height to the highest point on the existing building will be 50 feet, 35 feet to the gable of the new building.

The Planning Board asked for a legal memorandum on justification for variances; the applicant indicated that it is included in the materials distributed. The applicant also emphasized this plan produces four affordable units versus the one produced by the Residence C district bonus.

The Planning Board asked for the mechanism which would assure the affordability of units. Mr. Aposhian said that deed restrictions consistent with the CDD standards would be used to assure affordability for 100 years. The sales price is expected to be in the range of \$65,000 to \$85,000.

The Board speculated what the existing building would look like as three stories not four. There would be less floor area, lower height, lower constructions costs but the parking variance would remain. The applicant wanted to build less density. The difficulty is the purchase price necessary to gain control of the project from the current owner. Also, this project is to be marketed as units with open floor plans, with lots of windows and high ceilings. The existing building has eight foot ceilings which do not meet the standards of the market.

The Planning Board discussed the parking issues surrounding the amount of parking and its location on the lot. The applicant

said that the total was 17 spaces of which two were tandem spaces, three are in the front yard setback, and two in the garage in the new building. These changes, from the design originally proposed to the Board of Zoning Appeal, permit better designed affordable units with private yards.

Hugo Salemmé preferred a reduction in the number of units as he was concerned that support for the proposal is supporting inflated acquisition costs.

Questions from Public.

Steve Kaiser, 191 Hamilton Street, asked how many spaces would be created or provided on the Pleasant street frontage?. There will be a reduction of curb cuts to two from three, perhaps resulting in one on street space being restored. There would be about five spaces on the Pleasant Street frontage.

Rob Johnson, 342 Allston Street, asked if the affordable units are to be sold. Mr. Aposhian answered that that is the objective and it might be done in conjunction with a nonprofit.

Mr. Aposhian discussed the purchase price saying that Bay Banks has had offers of \$400,000 and he believes that he has negotiated the lowest possible price.

Statements in Favor.

Joe Shalfit indicated that he had talked to the applicants extensively; the site is a poor neighbor now and will be much improved with the proposed development.

Richard Richardson, AME Church, supports the affordable housing component on a site which is particularly blighted now.

Statements in Opposition.

Rob Johnson, 342 Alston Street, was concerned about the height and other variations from the Residence C regulations; about the consequences of unknown development in the Residence C-3 parking lot across the street and the consequences for other vacant lots; and concerned that the request for the side yard variance might affect future development of the adjacent vacant lot.

Mr. Aposhian indicated that he would agree to landscape the adjacent lot as a park if acquired by the city (now in tax title) and has attempted to purchase it in the past.

Mr. Russell asked the applicant to study the possibility of taking corners out of third floor to reduce the impact of height.

The Planning Board discussed their principal concern which is

that the requested approvals might establish a precedent for other development in the Residence C District. They need to be convinced there are unique features on this site which justify these waivers.

At the Planning Board meeting of September 15, 1992, a number of residents spoke in favor of the proposal.

In reviewing the text of the decision at the October 13, 1992 meeting, the architect for the applicant presented modifications to the design of the new floors of the existing building responding to concerns expressed by the Board at its September 15, 1992 meeting. In general, Board members were pleased with the direction suggested by the modifications, which include a gabled rather than a flat roof. Mr. Andrew Bram, attorney for the applicant raised the issue of the height of the two buildings, noting that the application documents, which indicated heights of 50 feet and 35 feet respectively, were in error. Because of design modifications incorporating the gable roof on the existing structure, the height was now 53 feet. The 35 foot height was in error from the beginning because it reflected an average building height, a concept not recognized in the Cambridge zoning ordinance. As defined in the ordinance the height of the new structure is actually 38 feet. The Board found both revised heights minor modifications and acceptable. Because of the change, however, the Board voted again to approve the project with those two height changes incorporated.

Findings

1. The existing site and the building located on it are a blight to the neighborhood in their current derelict condition. Continued use of the site for commercial or industrial purposes is inappropriate and undesirable.
2. The existing building on the site would be expensive to remove and is costly to renovate due to the character of its heavy construction.
3. The Office 3 Zoning District applicable to all property across Putnam Avenue from the application site would permit very high density development, either residential or office, with no height limit imposed. The current uses on the sites within the O-3 District are industrial and commercial in character and less than desirable abutters to a small scale residential community in their current development state.
4. The Residence C district does anticipate the granting of bonuses of density for development which includes the provision of affordable housing units. The proposal is consistent with the intent of that portion of the Residence C District by providing four affordable units, twenty percent of the total number of

units on the site. Without external subsidies, substantial bonuses are needed to support the provision of such a large percentage of affordable units.

5. The combination of a difficult site to convert to residential use and a difficult location given the potentially high density commercial development permitted across the street justify density and other incentives in order to encourage the elimination of an inappropriate nonconforming use and establish a conforming residential use in an existing residential neighborhood. While at the high end of density, the density proposed and the various waivers of dimensional and parking requirements are not inconsistent with the variety of nonconforming residential development patterns present in the vicinity of the site in the existing neighborhood.

6. With regard to parking, the Pleasant Street frontage does provide the opportunity for on street parking adjacent to the site; with the new site plan an existing curb cut will be eliminated and at least one additional on street parking space created. Two tandem spaces will be provided on site, reducing somewhat the usual pressure placed on parking supply by multiple-car households. While the lack of a parking space for five units is less than ideal, there are compensations in that more of the site can be devoted to green space and fewer cars are placed in the front yards where they are very visible to the general public. As there is a supply of on street parking abutting this site, the waiver of the parking requirement by five spaces is reasonable.

7. The variances required to permit the subdivision of the lot into two parcels are not inconsistent with the public interest and intent of the zoning ordinance as the site development, as proposed, has been conceived and will be developed as a single parcel. Subdivision will not affect the impact of the site's development on the general public.

8. While the general bulk of buildings and distribution of buildings and open space and other uses on the lot, as presented in the above referenced application documents, is acceptable to the Board, the detailed design of the structures is not. Additional efforts should be made, particularly with regard to the new additions to the existing structure, to provide more visual interest and variety and to employ design techniques which will tend to reduce the perceived bulk of the building.

9. The variances requested are reasonable and the Board finds that:

- a. The literal enforcement of the regulations on this site would involve substantial hardship particularly with regard to the conversion of the site to residential use;

b. That the hardship is owing to the condition, character and shape of the existing building on the site; and

c. That the desired relief can be granted without substantial detriment to the public good or without nullifying or substantially derogating from the intent or purpose of the Ordinance generally or the Residence C District specifically.

Decision

After review of the application documents, testimony given at the public hearing, comments from the staff, and based on the findings above the Planning Board GRANTS a Special Permit for 20 units of housing as required in Section 4.26; and as authorized by Section 10.45, GRANTS a Special Permit for alteration of a nonconforming structure as required in Article 8.000; GRANTS a Special Permit for reduction of required parking as permitted in Section 6.35; and GRANTS variations in the dimensional requirements of Article 6.000 and of the Residence C District as outlined in Article 5.000 including, but not limited to an increase in FAR to 1.27, and further GRANTS all variances necessary to create a subdivision of two lots as proposed in the application documents, subject the following conditions:

1. The Final Development Plan submitted to the Inspectional Services Department for a building permit shall be generally in conformance with the site plan as described in the application documents above and shall be in conformance with the dimensional standards detailed in Appendix I attached to this Decision.
2. The Final Development Plan, and all final exterior architectural plans for the reconstruction of the existing building revised as suggested in the Findings above, shall be submitted to the Planning Board for approval. The Planning Board shall certify to the Superintendent of Buildings that said development plan and revised architectural plans conform to all requirements and conditions of this Decision, before any building permit may be issued for the existing building. The Community Development Department shall certify to the Superintendent of Buildings that the final architectural plans for the proposed new building conform to all requirements and conditions of this Decision before issuance of any building permit for that structure.
3. The permittee shall provide four dwelling units, all to be located on the ground floor, as affordable housing units, as defined by Section 11.200 of the Cambridge Zoning Ordinance, which units shall meet the standards for affordable units as laid out in Section 11.200, i.e. the unit is affordable (no more than 30% of income for all housing costs) to households with incomes less than 80% of the metropolitan median.

Before any Certificate of Occupancy may be issued, the permittee shall submit to the Planning Board a detailed plan for providing the affordable housing units, accompanied by a report from the Affordable Housing Trust certifying that said plan is consistent with the intent of Section 11.200 and outlines a feasible process by which the units shall be made available.

The plan shall indicate the units to be made affordable, the method by which those units shall be financed, their anticipated cost to the families to occupy them, the sequence by which the affordable units will be made available, and the method by which the affordability will be maintained.

The Planning Board must approve the plan before any occupancy permit for any part of the development is granted; in granting its approval of the plan the Planning Board may require that, at its discretion, a reasonable number of market rate units, not exceeding five in number, may not be occupied until all affordable units have been constructed and made available for rent or sale at the price identified in the plan and have been secured as affordable units in a manner approved in the plan.

The affordable units shall be secured in any manner legally acceptable to the City for as long a period as is legally permissible, but in no case not for less than fifty (50) years.

4. The Permittee shall submit to the Planning Board the proposed subdivision plan of the lot, for review. The Planning Board shall approve the subdivision plan before it may be filed with the Registry of Deeds for Middlesex County and that approval is required before issuance of any Certificate of Occupancy for the Development.

5. Any alteration in the site plan or alterations in the buildings which produce increased or additional violations of the Residence C District regulations after completion of construction, shall require approval from the Planning Board.

6. Nothing in this decision shall prohibit the issuance of any permit to allow demolition or foundation work to commence on the site at any time after the appeal period has expired if no appeal is taken.

Voting to GRANT the Permit were: P. Dietrich, H. Russell, A. Cohn, H. Salemme, and V. Mathias.

For the Planning Board,



Paul Dietrich, Chairman

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

ATTEST: A true and correct copy of the decision filed with the Office of the City Clerk on 10/22, 1992, by Elizabeth J. Malenfant, authorized representative of the Cambridge Planning Board. All plans referenced in the decision have likewise been filed with the City Clerk on such date.

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

City Clerk, City of Cambridge

Date

	<u>Dimensional Form</u>		*exist means exist bldg to be added to; new is all-new bldg	
	<u>Allowed/Required</u>	<u>Existing</u>	<u>Proposed</u> exist/new*	<u>Granted ***</u>
Floor Area Ratio (Floor Area)	<u>.75 w/bonus (14952)</u>	<u>.53 (10566)</u>	<u>1.47 / 1.34 (18936 / 7128)</u>	<u>1.27 (25,319)</u>
Max. Height	<u>35</u>	<u>27</u>	<u>50 / 35</u>	<u>53/38</u>
Max. Angle Above Cornice Line	<u>45</u>	<u>0</u>	<u>0 / 40</u>	<u>40°</u>
Min. Lot Size	<u>5000</u>	<u>19936</u>	<u>12,807/7128</u>	<u>19,936</u>
Min. Lot Area per d. u.	<u>1800/1200</u>	<u>no residences</u>	<u>853.8/1425.6</u>	<u>997</u>
Max. No. d. u.	<u>16</u>	<u>no residences</u>	<u>15/5</u>	<u>20</u>
Min. lot width	<u>50</u>	<u>174</u>	<u>174/103</u>	<u>174</u>
Min. yard setbacks				
Front	<u>H+L/4</u>	<u>10.8 to 16</u>	<u>10.8 to 16/15</u>	<u>Putnam:16';Pleas.: 10.8/15</u>
Side L	<u>10</u>	<u>10.8 to 16</u>	<u>10.8 to 16/12</u>	<u>Putnam:30'/15'</u>
R	<u>H+L/5</u>	<u>60</u>	<u>12/6 to 8</u>	<u>Pleasant:6'</u>
Rear	<u>corner lot</u>	<u>+30</u>	<u>+30/15</u>	<u>No rear yard</u>
Ratio Usable Open Space (Area)	<u>18% (3588)</u>	<u>12.6% (2523)</u>	<u>29.8% overall (5958)</u>	<u>29.8% (5958)</u>
Off-Street Parking Minimum No. Spaces	<u>1/unit</u>	<u>+25</u>	<u>17 overall</u>	<u>15 plus 2tandem</u>
Maximum No. Spaces				<u>As required by law</u>
No. Handicapped Spaces			<u>10</u>	<u>10</u>
Bicycle Spaces			<u>0</u>	<u>NA</u>
No. Loading Bays		<u>1</u>		

***As applied to the site before subdivision. All additional, internal dimensions created as a result of the subdivision shall be as shown in the application documents. Where two yard dimensions are presented, the first applies to the existing building, the second to the new building.



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

MICHAEL ROSENBERG,
*Assistant City Manager for
Community Development*

MARY FLYNN,
*Deputy Director for
Community Development*

June 3, 1993

To: Ranjit Singanayagam

From: Les Barber 

RE: 380 Putnam Avenue, Planning Board Permit #99

Cambridge Design and Development has submitted plans for the above project to your office with the intent of securing a building permit (Plans entitled "380 Putnam Avenue, Howard School Building"; dated variously 4/21/93 and 5/6/93; 17 sheets). Special Permit #99 requires that the building permit for the entire structure be granted only after the plans have been reviewed and approved by the Planning Board; that review will take place on June 15, 1993.

In the interim, however, the applicant has requested permission to begin the work necessary to apply siding to the first two floors of the building, including framing windows and preparing walls to receive final siding. The permit necessary to allow that work to proceed may be issued prior to Planning Board review as no significant changes have been made to the design presented to the Board at the public hearing for those portions of the building.