

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case No: PB#237
Address: 1924 Massachusetts Avenue
Owner/Applicant: Kaya-Ka, Inc, 1924 Massachusetts Avenue, Cambridge, MA
Zoning District: Business C/Residence B
Application Date: September 19, 2008
Public Hearing Date: October 21, 2008
Planning Board Decision: November 18, 2008
Filing Planning Board Decision: December 23, 2008

2008 DEC 23 A 11: 53
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Application: Special Permit to construct a 50 room hotel with ground floor restaurant, to allow valet parking (Section 6.43.5a), allow a common driveway with the abutting property owner (Section 6.43.6), allow a driveway within 5 feet of the property line (Section 6.44.1(g)), waive dimensional standards and the accessory parking requirement in the North Mass Avenue Overlay District (Section 20.104.3 (1 and 2) and 20.106.1).

DECISION: GRANTED with conditions

Representative to the Planning Board

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days of the above reference decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the office of the Community Development Department and the City Clerk.

Documents Submitted

1. Special Permit application containing the project summary, narrative, ownership certificate, certificates of receipt of plans and the appendixes containing the site plans, elevations, of various scales by MTMA Architecture and Planning, dated September 19, 2008.
2. Planning Board presentation of the Garden Details, dated 11/18/08.
3. Letter to the Planning Board from Michael McKee, dated 10/20/08,
4. Alternate Scheme without Easement, dated 9/19/08 REVISED 11/18/08.
5. Responses to the Planning Board Questions from Michael McKee, 11/18/08.
6. Email to the Planning Board from Michael McKee, proponent's architect, dated 10/20/08

Other Documents

1. Letter to the Planning Board from Francis P. McGrail, dated 10/14/08, with the neighborhood petition.
2. Memo to the Planning Board from Susan Clippinger, Director of Traffic, Parking and Transportation, dated 10/15/08, with the BZA comments on the case.
3. Letter to the Planning Board from Jean Keldys, dated 6/2/08.
4. Letter to the Planning Board from Nancy Cole and Catherine Brady, dated 10/21/08.
5. Letter to the Planning Board from Constanza and Jacob Eggers, undated
6. Email to the Planning Board from Councilor Craig Kelley, dated 10/18/08.
7. Email to the Planning Board from Blake Allison, dated 10/17/08.
8. Letter to the Planning Board from Edward F. Lavin, Jr, Master, Mount Olivet Lodge at 1950 Massachusetts Avenue, dated 10/10/08
9. Memo to the Planning Board from Roger Boothe, Community Development Department, dated 10/10/08, with Planning Board comments on the BZA case.
10. Parking Transportation Demand Management Plan, dated 10/14/08.
11. Letter to the Planning Board from Edward F. Lavin, Jr, Master, Mount Olivet Lodge at 1950 Massachusetts Avenue, dated 11/13/08, declining the shared driveway easement.
12. Email from Costanza Eggers, to the Planning Board dated 11/14/08.

FINDINGS

Based on the application documents submitted, testimony taken at the public hearing, staff comments and discussions of the application undertaken by the Planning Board, the Planning Board finds that the proposed project and requested relief are consistent with the intent of the Cambridge Zoning Ordinance generally, the objectives of the North Mass Avenue Overlay District, the general criteria for the issuance of special permits and the specific requirement applicable to the requested special permits, as set forth below. The Planning Board concludes that the proposed setback relief, parking arrangement, and site plans are appropriate to the Porter Square area.

1. Compliance with General Special Permit Criteria under Section 10.43

a. The requirements of the Zoning Ordinance can be met

The proposed project can and will meet the requirements of the Ordinance with the granting of this Special Permit.

b. Traffic generated or patterns of access and egress will not cause congestion, hazard or substantial change in established neighborhood character

The proposed project has taken steps to address the concerns of the abutting residential properties by eliminating the need to use Porter Road to access the project. The applicant has reduced the existing curb cut width and raised the driveway as it crosses the sidewalk, to give preference to the pedestrians on Massachusetts Avenue. The Permittee has been granted the right to have valet parking of an additional five parking spaces in the garage to address concerns about spillover parking on neighborhood streets. It is anticipated that many of the clientele using the hotel will be arriving via subway or other public transit modes. The restaurant is likely to operate much as it has at the site form many years

c. The continued operation or development of adjacent uses as permitted in the Zoning Ordinance will not be adversely affected by the nature of the proposed use

The project includes a landscaped open space area to buffer the residents from the hotel use, the garage will only be accessed from Mass Avenue and the mechanical aspects of the hotel functions will be mitigated through design and equipment selection to prevent negative impacts on the residents.

The project design has been amended to create a garage access entirely on the hotel property preserving the existing tree on the property line to provide further screening.

The project will remove an existing surface parking that has been a negative feature of the residential neighborhood for many years.

d. No nuisance or hazard will be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or citizens of Cambridge

The Permittee will restrict the loading facilities use to day time only. The hotel use with ground floor restaurant will provide for a lively active use along the Mass Avenue retail corridor during reasonable hours.

e. The use will not impair the integrity of the applicable zoning districts or adjoining districts or otherwise derogate from the intent and purpose of the Zoning Ordinance

The hotel use is consistent with the allowed uses in the North Mass Avenue Overlay District and has been designed to protect the residential uses that abut the Business C district. It is consistent with recently adopted changes to the zoning ordinance designed to encourage this kind of development in Porter Square.

f. The new use and building construction is consistent with the Urban Design Objectives set forth in Section 19.30.

19.31 - New Projects should be responsive to the existing or anticipated pattern of development.

The proposal is consistent with the newly enacted Porter Square zoning, by locating the height of new development along Mass Avenue, at a lower height than allowed, and away from the adjacent residential neighborhood; the building height is in keeping with the existing buildings along Mass Avenue in the vicinity. The open space at the rear of the site creates a buffer for the residents in the Residence B district, which is fully built out to residential uses.

19.32 - Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.

The ground floor activities have been designed to provide an active and lively streetscape. The main lobby of the hotel and the restaurant seating area has been designed with a large amount of transparency along the Avenue. There will be outdoor sidewalk seating to be used during appropriate weather that further enlivens the streetscape. The single driveway access has been designed to give priority to pedestrians along Mass Avenue. Secured bicycle parking is available in the garage as well as accessible street level bicycle parking.

19.33 - The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.

Mechanical equipment has been located within the basement as much as possible; that equipment that must be on the rooftop will be screened from public view and treated with acoustical attenuation as necessary to minimize the sound.

Trash will be stored on site and within an enclosed room.

Truck deliveries are expected to be less than one per day, the majority of the deliveries to be made by trucks smaller than 30 feet. Traffic, Parking and Transportation has reviewed the proposed operation and finds that delivery trucks can be accommodated entirely on the site.

Storm Water Management Best Practices will be used through the design of the landscaped area over the parking garage and the collection of runoff to be used for irrigation.

Building construction has been placed within the commercially zoned portion of the site. The portion of the site in the Residence B district consists of the entry to the underground parking facility with a landscaped open space at grade, as envisioned by the recently adopted amendments to the Massachusetts Avenue Overly District.

19.34 - Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system and sewer system.

The project is being designed as a LEED certifiable project emphasizing natural lighting, high efficiency light fixtures, low flow fixtures, collection and reuse of storm water and gray water where possible. The project is located on the MBTA Red Line which provides excellent public transportation to attractions in the area.

All vehicular entry to the site will be via a single curb cut on Massachusetts Avenue, away from abutting residential streets. A small amount of additional parking above that required by zoning has been provided in order to minimize new parking pressure on those residential streets:

19.35- New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.

The hotel use takes advantage of the Porter Square location with access to the surrounding academic institutions as well as visitor attractions and retail and commercial uses. The project provides a new building of a scale that helps to define visually the center of Porter Square without dominating or overwhelming existing buildings in the neighborhood. The rear half of the site, devoted mostly to a landscaped open space helps to mitigate the density that prevails on the residential lots that surround it.

19.36 Expansion of the inventory of housing in the city is encouraged.

There is no housing component to this project.

19.37 Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.

There will be approximately 5,700 square feet of open space at grade that will buffer the residents along the boundaries of the project in the Residence B district, as well as the open sidewalk café space along Mass Avenue.

2. Compliance with the criteria for issuance of a special permit, Section 6.43.5(a), that allows modification to the requirements of Section 6.43.2.

The parking garage planned for the hotel and restaurant use contains 35 parking spaces as required by the Zoning Ordinance. The Permittee has been granted an additional 5 spaces to be used on a valet basis for

hotel and restaurant guests to alleviate concerns of the residential abutters about overflow parking on the local residential streets.

The Planning Board finds that the neighbors' concerns about parking spillover are real and that the 5 valet spaces will contribute modestly to easing that concern. Those spaces will be limited to accessory use only as a condition of this permit.

3. Compliance with the criteria for issuance of a special permit, Section 6.43.6 that allows the establishment of a common driveway.

During the course of the Planning Board deliberation, the Permittee withdrew this request based on the lack of an easement agreement with the abutting property owner.

4. Compliance with the criteria for issuance of a special permit, Section 6.44.1(g) that allows modification to the requirements of Section 6.44.1(b).

The location of a portion of the driveway within 5 feet of the property line will allow access to the hotel parking (consisting of a ramp and below grade garage) from the commercial Massachusetts Avenue edge rather than from the residential Porter Road while reserving as much as possible of the lot as usable landscaped area and open space. Much of the length of the driveway will be along a portion of the abutting non-residential lot that is also used for vehicle circulation.

5. Compliance with the criteria for issuance of a special permit, Section 20.104.3, that allows modification to the transitional zoning requirements of Section 5.40 and the FAR limitations of Section 5.30 and 5.33 for a hotel use.

The proposed hotel project meets all of the criteria requirements: The lot is located in both the Business C and the Residence B zoning districts. The lot was held in single ownership on June 1, 2008. The lot is located in the North Mass Avenue Overlay District.

The proposal has a landscaped open space in that portion of the site within the Residence B district amounting to approximately 5,000 square feet. The balance of the Residence B portion of the site is to be used as a driveway to the below grade garage with a green trellis structure for screening and truck and taxi maneuvering spaces and the access to the underground garage.

This open space will provide an adequate buffer between the hotel use and the abutting residential properties and is consistent with the intent of the transition zoning requirements of Section 5.40: There is a contiguous portion of the site that lies within the adjacent Residence B district, a significant portion of the site within the Residence B district is dedicated to open space, and the resulting open space exceeds the minimum lot depth of 20 feet.

All of the gross floor area of 23,800 square feet (FAR 1.6) is located within the Business C district, all of the required parking is to be located below grade, the at grade portion of the site is open space in the B District, the lot size is 14,800 square feet, permitting the 1.60 FAR to be applied to the entire lot in the B District, and the existing Kaya Restaurant building is not found to be preferably preserved or significant.

6. With the issuance of a special permit, Section 20.106.1 allows the below-grade parking for a hotel use to extend into a contiguous portion of the site which is in a Residence B district.

The proposed design meets all criteria, the portion of the lot in the Residence B district is contiguous to the portion of the lot in the in the Business C district, the parking is located below grade, and the at grade portion of the lot is dedicated to open space

7. Compliance with the Special Permit criteria for the North Mass Avenue Overlay District, Section 11.104.

The Proposed hotel structure is 51 feet in height, below the 60 foot height limit of the NMAOD and the 55 foot height limit in the Business C district.

The bay windows do not exceed the limitations for exemption from the gross floor area calculations.

The setbacks are all met as required in Section 20.105.

The ground floor is at grade, exceeds the 20 foot minimum depth requirement and with the exception of the kitchen and garbage areas, the facades exceed the 50% minimum opacity requirement.

The parking and vehicle access for hotel use is to be met with 35 parking spaces and 5 valet parking spaces.

8. Compliance with the Special Permit criteria for the approval of off street parking and loading arrangements, Section 6.55.

A written plan was submitted as well as a Parking Transportation Demand Management Plan. The Final PTDM dated 10/14/08 has been filed.

DECISION

Based on its review of the application documents, comments made at the public hearing and on the above findings, the Planning Board **GRANTS** the Special Permit for the requested relief for Section 20.104.3 - North Mass Avenue Overlay District Dimensional Standards; Section 20.106.1 – Accessory Parking; Section 6.43.5(a) Valet Parking; and Section 6.44.1(g) – driveway within 5 feet of the side property line. The request for Section 6.43.6 – Common Driveway is withdrawn subject to the conditions as follows:

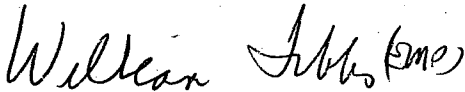
1. All use, buildings construction and site plan development shall be in substantial conformance with the plans and application documents submitted to the Planning Board as referenced above, and as dated September 19, 2008, with revisions dated 11/18/08: sheets SK-0E to SK-6E.
2. The building shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit, the 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 Permit.
3. A design process for the landscaped area over the below-grade parking structure shall be undertaken by the Permittee and shall include the input from the abutting residents and property owners on Porter

Road and Porter Place and shall explore ideas about the uses and activities to be allowed in the open space area. The final landscaping plans shall be submitted for review to the Community Development Department staff before issuance of the Building Permit. The park area shall remain open and accessible to the general public during most daylight hours and in a manner that will not unreasonably intrude on the peace and quiet of residential abutters

4. The five (5) valet parking spaces authorized will be accessory only, used only by occupants and/or visitors to the hotel or restaurant.
5. All authorized development shall conform to the requirements of the City of Cambridge "Noise Control Ordinance", Chapter 8.16 of the Cambridge Municipal Code.

Voting in the affirmative to GRANT the special permit requested were W. Tibbs, H. Russell, T. Anninger, S. Winter, P. Singer, constituting at least two thirds of the members of the Planning Board necessary to grant a special permit. Voting for denial was P. Winters.

For the Planning Board,



William Tibbs, Chair

A copy of this decision #237 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on December 23, 2008 by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been likewise been filed with the City Clerk. Twenty (20) days have elapsed since the filing of the decision.

No appeal has been filed.

DATE:

City Clerk

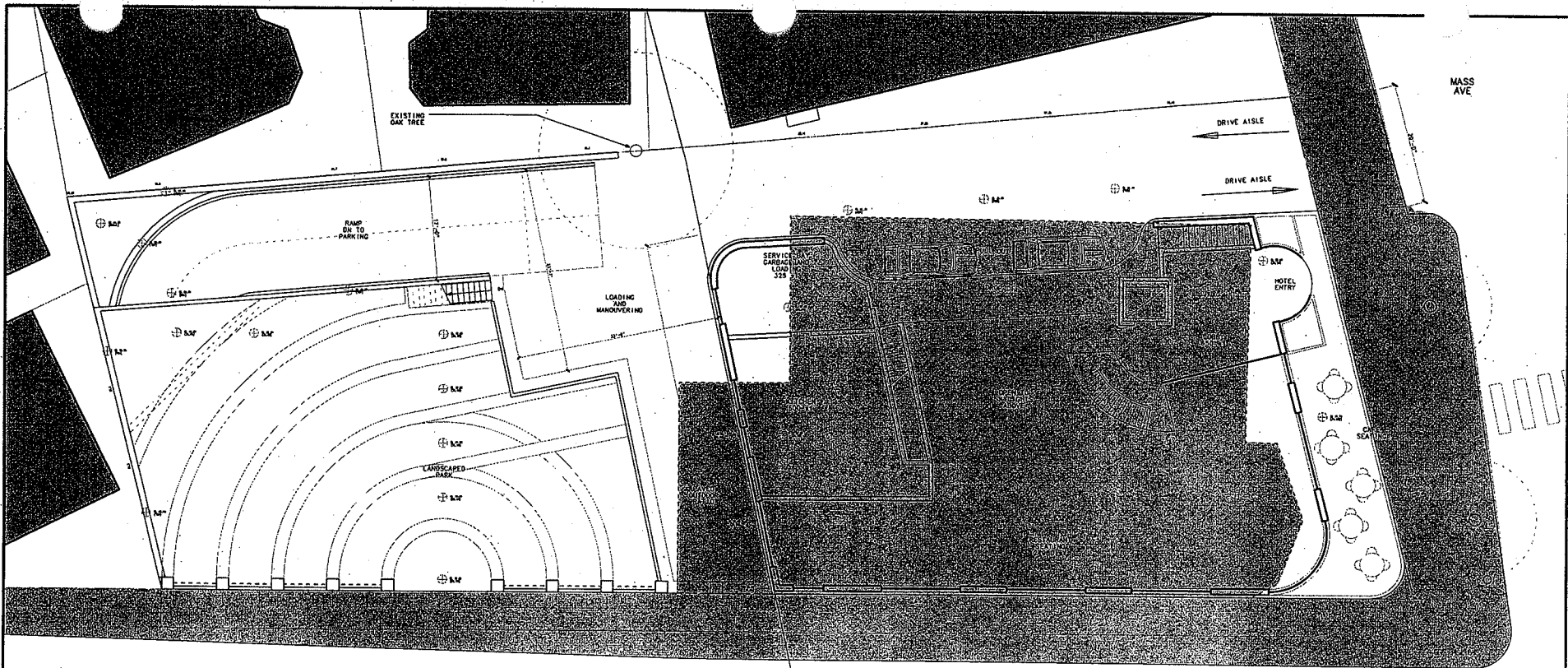
City of Cambridge

Appendix I – Dimensional Form

Special Permit #237

Address: 1924 Massachusetts Avenue

	Allowed/Required	Existing	Proposed	Granted
Total FAR				
Residential	2.0/.5	NA	NA	NA
Non-Residential	1.6	.38	1.60	1.60
Inclusionary Bonus		-	-	-
Total GFA in Sq. Ft.				
Residential	19,025	NA	NA	NA
Non-Residential	23,800	5,877	23,800	23,800
Inclusionary Bonus	-	-	-	-
Max. Height				
Range of heights	55/35	14	52, 42/0	52, 42/0
Lot Size	5,000	8,000/6,880	8,000/6,800	8,000/6,880
Lot area/du	NA	NA	NA	NA
Total Dwelling Units		0	0	0
Min. Lot Width	50	80/100	80/100	80/100
Min. Yard Setbacks				
Front	0/15	10/NA	10/NA	10/NA
Side, Left	0/7.5	0/NA	0/NA	0/NA
Side, Right	0/7.5	10/NA	16/NA	16/NA
Rear	20/25	NA	NA	NA
Total % Open Space				
Usable	None / 40%	9% / 0%	23% / 68%	23% / 68%
Other				
Off Street Parking				
Min #	35	18	40 w/ valet	40 w/valet
Max #				
Handicapped	2	0	2	2
Bicycle Spaces	6	0	6	6
Loading Bays	1	0	1	1



RESIDENT PARKING | EXISTING LOADING ZONE | EXISTING NO STOP ZONE

PORTER ROAD

ALTERNATE SCHEME WITHOUT EASEMENT

ATTACHMENT A - ARCHITECTURAL DRAWINGS
 1924 MASSACHUSETTS AVE - SPECIAL PERMIT APPLICATION
 SUBMITTED TO THE CITY OF CAMBRIDGE PLANNING BOARD

MTMA
 architecture planning
 Cambridge, Massachusetts

1924 MASSACHUSETTS AVE
 CAMBRIDGE, MASSACHUSETTS

EXISTING BLDG FOOTPRINT
 1/16" = 1' - 0"

19 SEPT 08
 DATE

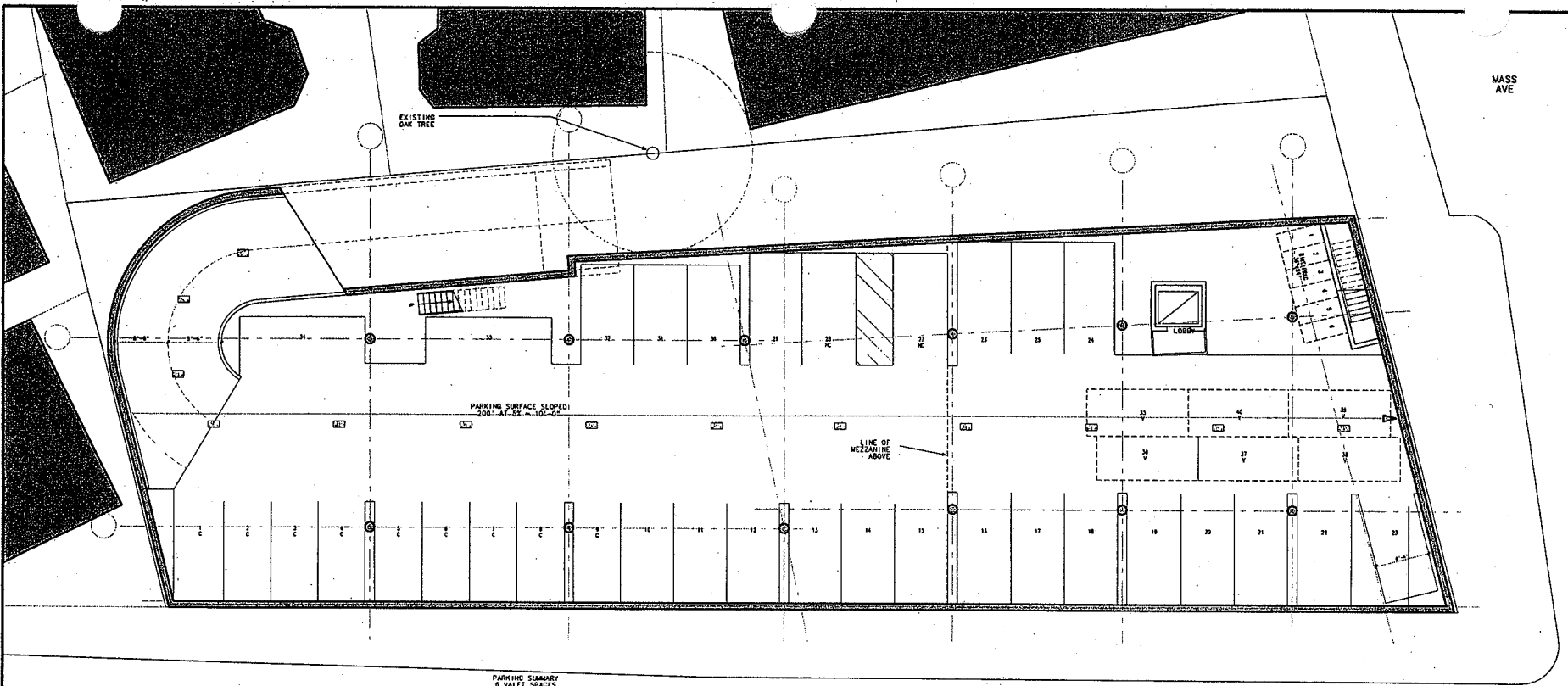
REVISION
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SK-OE

DRAWING NO.

© MTMA ARCHITECTS

MASS AVE



PARKING SUMMARY
 6 VALET SPACES
 40 TOTAL CAR SPACES
 6 TOTAL BICYCLE SPACES
 TYPICAL SPACE 8.5'x18' (7.5' VERT CLR)
 COMPACT SPACE 7.5'x18' (7.5' VERT CLR)
 NO SPACE 12'x18' (8.2' VERT CLR)

PORTER ROAD

ALTERNATE SCHEME WITHOUT EASEMENT

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MTMA
 architecture planning
 Cambridge, Massachusetts

1924 MASSACHUSETTS AVE
 CAMBRIDGE, MASSACHUSETTS

FLOOR PLANS ALTERNATE
 LOWER BASEMENT LEVEL
 1/16" = 1'-0"

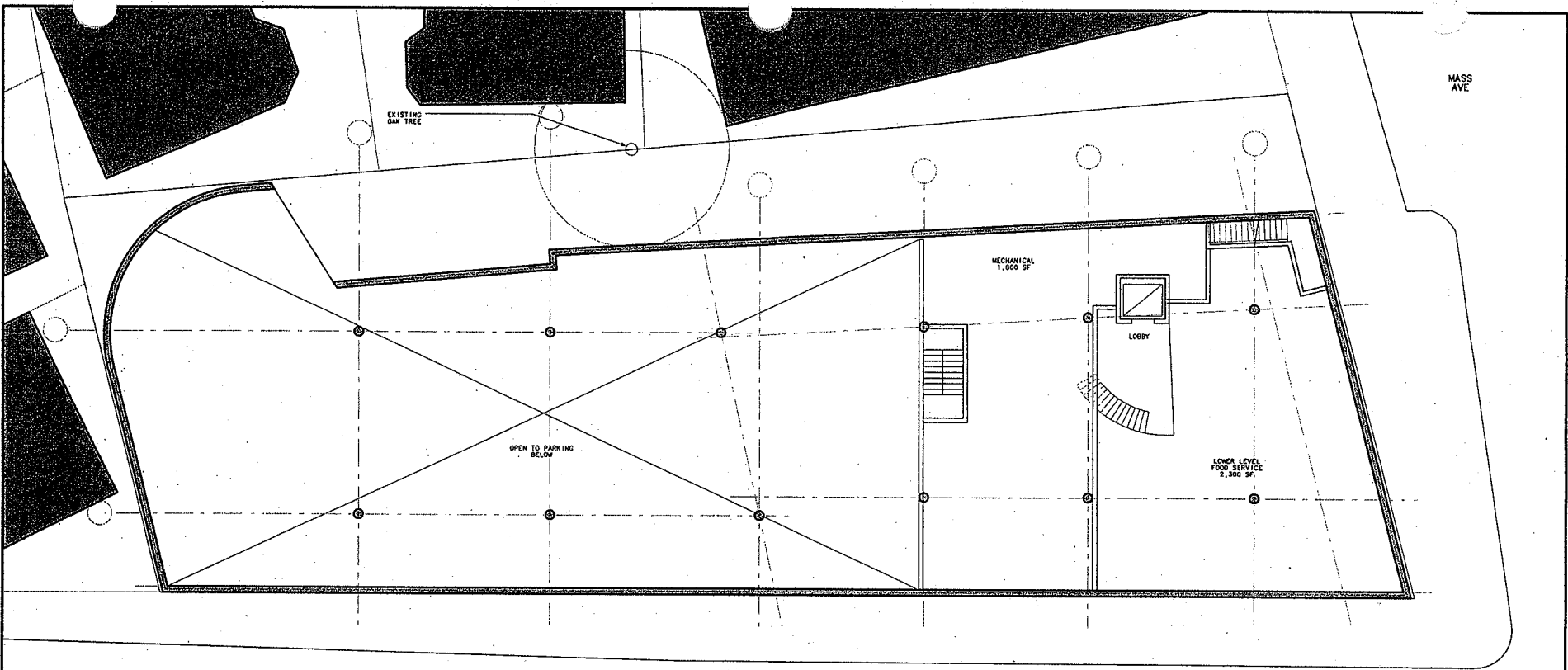
19 SEPT 08
 DATE

REVISION
 18 NOV 08 4

SK - 1E

DRAWING NO.

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PORTER ROAD

ALTERNATE SCHEME WITHOUT EASEMENT

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MTMA
 architecture planning
 Cambridge, Massachusetts

1924 MASSACHUSETTS AVE
 CAMBRIDGE, MASSACHUSETTS

FLOOR PLANS ALTERNATE
 UPPER BASEMENT LEVEL
 1/16" = 1'-0"

19 SEPT 08
 DATE

REVISION
 18 NOV 08 4

SK-2E

DRAWING NO.

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