

CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

**NOTICE OF DECISION**

Case No: **PB#237 Major Amendment #1**

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

Major Amendment #1 Application: July 10, 2009

Major Amendment#1 Public Hearing: August 4 continued to September 8, 2009

Major Amendment #1 Decision: September 8, 2009

Major Amendment #1 Filing Date: October 5, 2009

2009 OCT -5 P 2:51  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

Application: Major Amendment to convert the approved garage to 100% Valet Parking involving the use of "Stackers" to accommodate the same number of parking spaces within the underground garage as allowed in Sections 6.43.5(a) and 10.45

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 ownership certificate, summary of the application, Dimensional Form, Supporting Statements for Special Permit, November 15, 2007 Traffic Study by Traffic Solutions, LLC, Parking Demand Management Plan, photographs of existing street elevations, and Building Section comparison, SK-1 and 2.

### **Other Documents**

1. Planning Board Presentation Information Package, dated August 4, 2009
2. City Council Policy Order Resolution and Response on Stackers, dated August 7, 2009.
3. Memo to the Planning Board from Susan Clippinger, Director of Traffic, Parking and Transportation, dated 8/4/09
4. Email to the Planning Board from Constanza Eggers, dated 8/3/09.
5. Letter to the Planning Board from Francis P. McGrail, dated 9/7/09
6. Email to the Planning Board from Councilor Craig A. Kelley, dated 9/8/09.
7. Email to the Planning Board from Constanza Eggerr, dated 9/8/09
8. Planning Board Presentation by MTMA, dated 9/8/09

### **FINDINGS**

Based on the major amendment 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 revised project and requested Major Amendment are consistent with the intent of the Cambridge Zoning Ordinance generally, the objectives of the North Massachusetts Avenue Overlay District, the general criteria for the issuance of special permits and the specific requirement applicable to the requested valet parking, as set forth below. The Planning Board concludes that the proposed parking arrangement using valet parking with self-park spaces is appropriate to the Porter Square area and this site.

The findings and conditions of the original special permit filed on 12/23/08 are still in effect and have not changed with the granting of this Major Amendment.

#### **1. 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 plans for the hotel and restaurant propose to combine valet parking spaces using “stackers” within the garage to be able to fully utilize the space within the garage and options for self parking by patrons on a “space available” basis in those parking spaces underneath a “raised” parked car and a limited number of standard spaces. The Permittee has addressed the Traffic, Parking, and

Transportation Department issues outlined in the Memo to the Planning Board dated 8/4/09 by including the self parking option in the revising the plans to the satisfaction of the Board. (Plans dated 9/8/09).

The Special Permit originally granted an additional 5 spaces to be used for hotel and restaurant guests to alleviate concerns of the residential abutters about overflow parking on the local residential streets, particularly by patrons of the restaurant. The Planning Board finds that the neighbors' concerns about parking spillover are appropriate, that the self parking option should be part of the operation of the hotel garage in part to address that issue and that there will not be a charge for the parking within the building so as not to discourage use of the garage by restaurant patrons. Those additional spaces will be limited to accessory use only as a condition of this permit.

The revised garage plan, making use of the stacker option, will require less excavation, a shorter excavation period and reduced amount of excavated material to be removed from the site, thus reducing the number of truck trips during construction. A reduced duration of construction will be a material benefit to abutting neighbors.

## **2. Conformance with General Special Permit Criteria in Section 10.43**

*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.*

*(a) The requirements of the Zoning Ordinance can be met.*

With the granting of the requested relief the requirements of the Ordinance will be met.

*(b) Traffic and patterns of access and egress will not cause hazard or congestion or change in neighborhood character.*

With the revised plan the concerns regarding congestion and backup at the entry to the hotel have been addressed to the satisfaction of the Board.

*(c) The operation or development of adjacent uses will not be adversely affected.*

The management of access to the garage facility has been addressed to the satisfaction of the Board. Adjacent uses will not be adversely affected.

*(d) No nuisance or hazard will be created to the detriment of the health, safety and welfare of future residents or citizens of Cambridge.*

The management of access to the garage facility has been addressed to the satisfaction of the Board. No nuisance or hazard will be created.

*(e) The use will not impair the integrity of the District or adjoining districts or otherwise derogate from the intent and purpose of this Ordinance.*

The integrity of the district will not be impaired. The appropriate hotel use will operate at this location consistent with the intent of the Business C zoning district.

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

All changes to the originally approved plans in this Major Amendment occur below grade. The findings as originally made by the Board for the project as a whole continue to apply.

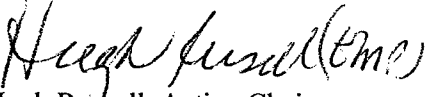
#### DECISION

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 Major Amendment for the requested relief in Section 6.43.2 for valet parking with the optional self parking,

1. All use, building construction and the site plan development shall be in substantial conformance with the plans and application documents submitted to the Planning Board as referenced in the original special permit application, and as dated September 19, 2008, with revisions dated 11/18/08 and this Major Amendment submittal dated 7/8/09 with revisions dated and approved on 9/8/09.
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 cause disruption to abutting residential uses (?).
4. All authorized development shall conform to the requirements of the City of Cambridge "Noise Control Ordinance", Chapter 8.16 of the Cambridge Municipal Code.
5. The requirements outlined in the memo to the Board from Susan Clippinger, Director of Traffic, Parking and Transportation dated August 4, 2009 shall be met. The proponent should provide sufficient staff to valet operations and management of the drop-off/pick- area; and that all vehicle activity is accommodated on site with no vehicle queuing on the Massachusetts Avenue sidewalk, bike lane or street. This includes provision of a portion of the garage for self-park spaces.

Voting in the affirmative to GRANT the special permit requested were H. Russell, S. Winter, P. Singer, T. Cohen, and A. Nur, Associate Member appointed to hear this case, constituting at least two thirds of the members of the Planning Board necessary to grant a special permit. Voting for denial was C. Studen.

For the Planning Board,



Hugh Russell, Acting Chair

A copy of this major Amendment to the 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 October 5, 2009, 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



**CITY OF CAMBRIDGE**  
**Traffic, Parking and Transportation**  
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Susan E. Clippinger, Director  
Brad Gerratt, Deputy Director

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## MEMORANDUM

**To:** Cambridge Planning Board  
**From:** Sue Clippinger, Director  
**Date:** August 4, 2009  
**Re:** Kaya Hotel Project

On September 19, 2008 Kaya-Ka, Inc, owner of 1924 Massachusetts Avenue applied for a Planning Board Special Permit to demolish the existing 200-seat Kaya Restaurant and build a 23,800 s.f. 50-room hotel, 200 seat restaurant and 40-space underground parking garage (35 spaces plus 5 tandem spaces). The Cambridge Traffic, Parking and Transportation Department (TP&T) worked with the proponent to make this tight site as functional as possible and provided comments to the Planning Board. The Special Permit was granted by the Planning Board with conditions on November 18, 2008 and filed on December 23, 2008.

Kaya-Ka, Inc. is currently requesting an amendment to permit 100% valet and 17 mechanical stackers plus 5 tandem parking spaces and 1 regular space (40 total parking spaces). Below are our comments:

1. TP&T's concern is we do not believe there should be 100% valet because we do not want patrons to park in residential parking spaces in the area and because the drop-off/pick-up area is too small to accommodate all the activities that would be occurring there. Although valet may be a convenience to some, others may not want their car valet parked because it is a hassle, bother, cost, or do not want someone else driving their car. We also are concerned that if valet parking staff and operations are not adequate to meet demand, vehicles could block the driveway and back-up onto the Massachusetts Avenue sidewalk, bike lane or street. Furthermore, the valet operations have to share the two spaces with taxis and dropping-off/picking-up on-site. Because the Massachusetts Avenue frontage includes a crosswalk in the center, no drop-off/ pick-up, taxi, or valet operations can be accommodated on Massachusetts Avenue.
2. TP&T has been working with the proponent on our concerns. We believe to minimize the risks of 100% valet, the Planning Board should require the following:
  - a. The proponent should be obligated to provide sufficient staff for valet operations and management of the drop-off/pick-up area.
  - b. The proponent must ensure all hotel and restaurant vehicle activity, including taxi and loading is accommodated on-site.
  - c. At no time shall valet or taxi vehicles stand or queue onto the Massachusetts Avenue sidewalk, bike lane or street.
  - d. The parking garage layout and operations should permit a portion of self-park spaces as needed.
3. If the driveway is blocked or congestion in the drop-off/pick-up area creates adverse impacts on the public right-of-way, such as blocking the sidewalk, bike or travel lanes on Massachusetts Avenue, creating illegal

parking in front of the hotel on Massachusetts Avenue, or discouraging people from parking in the garage, then the proponent must:

- a. Create or increase the amount of self-parking provided, such that the congestion is eliminated, and/or,
- b. Increase amount of staff for valet services, and/or,
- c. Other actions as proposed by the proponent or city to eliminate the problem.

cc: Beth Rubenstein, CDD  
Liza Paden, CDD  
Roger Boothe, CDD  
Susanne Rasmussen, CDD  
Rangit Singanayagam, ISD  
Adam Shulman, TP&T  
Michael McKee, MTMA Architects