



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: July 30, 2024

Re: Special Permit **PB-252A, 40 Norris Street**

Overview

Submission Type:	Special Permit Application PB-252A
Applicant:	Ahmed Farah
Zoning District(s):	Residence B
Proposal Summary:	Amend PB-252A to allow daycare center use in the previously permitted two commercial spaces in the basement.
Special Permits Requested:	Section 5.28.2 Conversion of Non-residential Structures to Residential Use
Other City Permits Needed:	none
Planning Board Action:	Grant or deny requested special permit
Memo Contents:	CDD Zoning Report
Other Staff Reports:	none

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Zoning Section	Required Planning Board Findings <i>(Summary - see appendix for zoning text excerpts)</i>
Conversion of non-residential structures to residential use (Section 5.28.2)	<ul style="list-style-type: none"> • Increased number of dwelling units will not increase on-street parking demand in the neighborhood. • The location, orientation, and use of the structure and yard of the new housing use will not impact the privacy of residential neighbors. • Due consideration has been given to address the impacts of reduction in private open space. • Reasonable efforts have been taken to address concerns raised by abutters and neighbors.
General Special Permit Criteria (Section 10.43)	<p>Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43:</p> <ul style="list-style-type: none"> (a) It appears that requirements of this Ordinance cannot or will not be met, or (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or (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 (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 (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 (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

Zoning & Development Staff Report

Background Information

In 2012, the Planning Board granted PB-252A for the conversion of an existing non-residential former school building into 25 residential units and 2 commercial spaces, with 27 parking spaces.

The original special permit decision permits commercial/office uses in the two basement commercial spaces that were not otherwise allowed in the base zoning district. The two separate commercial spaces totaled 1,796 square feet and were sited on the lower level in the rear corners of the building adjacent to the parking lot. In the Planning Board’s reasoning, the commercial uses were anticipated to have a minimal impact on the parking demand due to the proximity to public transportation, the modest size of the commercial spaces, and the difference in parking demand times for the commercial and residential uses.

Requested Amendments

The Applicant for this case is a prospective tenant seeking to occupy the approved basement commercial/retail spaces with a daycare center use previously not approved by PB-252A. As explained below, a daycare center is not an allowed use on this lot per the base zoning regulations. However, zoning Section 5.28.20 allows the Planning Board to permit by Special Permit certain uses not otherwise allowed in the base zoning district, including “Private preschool, day care, kindergarten (4.33.b2),” subject to certain other conditions and limitations.

The Planning Board is asked to approve an amendment to PB-252A to allow by Special Permit a daycare use at this site and to modify condition 4 of the 2012 decision, which required all uses to be in substantial compliance with what was approved.

Zoning Comments on Proposed Amendment

“Preschool, day care center, kindergarten, not exempt by statute”, is categorized as an institutional use in the Zoning Ordinance, rather than a commercial or office use. Within a Residence B district, this use category is subject to Cambridge’s Institutional Use Regulations (IUR).

Below is a table with the findings that the Planning Board needs to consider in making a determination on the daycare use at this location. In the 2012 PB-252A decision, the Planning Board determined that a “commercial/retail” space in the same location and with the same dimensions satisfied the below conditions and limitations. City staff believe that a daycare center use is similarly able to satisfy these conditions and limitations.

Required Planning Board Findings	Status for Proposal
Increased number of dwelling units will not increase on-street parking demand in the neighborhood.	Not applicable. Proposed amendment will not alter the previously approved number of dwelling units.
The location, orientation, and use of the structure and yard of the new housing use will not impact the privacy of residential neighbors.	Not applicable. Proposed amendment will not alter the location, orientation, use of the structure, or yard for the previously approved housing use and its impact on residential neighbors.
Due consideration has been given to address the impacts of reduction in private open space.	Not applicable. Proposed amendment will not alter existing site plan.
Reasonable efforts have been taken to address concerns raised by abutters and neighbors.	TBD.

In approving an amendment to PB-252A, the Planning Board must additionally find that the standards and criteria set for in Sections 5.28.28, 10.43, 10.47, and 10.47.1 of the zoning ordinance are met. These standards include considerations such as the location of the use being limited to the ground story or basement and that the use is generally compatible with residential uses in the area and balances the potential adverse impacts of residential development such as a demand for on-street parking at night. The full criteria are appended to the end of this memo for the Board’s consideration.

Appendix - Zoning Text Excerpts

Special Permit for Conversion of Non-Residential Structures to Residential Use

5.28.2 Conversion of Non Residential Structures to Residential Use

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.

Intent of this Section:

- (a) To allow the economic reuse of buildings that may be substantially out of compliance with the dimensional requirements of the zoning district within which they are located, especially as they are converted to residential use.
- (b) To encourage the preservation of buildings of historic or cultural significance by providing opportunities for reuse of the structures.
- (c) To establish a framework of development standards and criteria within which existing non-residential buildings that are out of scale and character with surrounding residential uses can be converted to housing of an appropriate style and density while limiting potential negative impacts on neighbors.

5.28.22 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.

5.28.28.1 Criteria Applicable to All Projects

- (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.

In reaching a determination, the Board may require that the Applicant provide elements of a Parking Analysis as set forth in Section 6.35.3 of the Zoning Ordinance. Where a project is subject to additional criteria as specified in Section 5.28.28.2 below, a Parking Analysis shall be required to be included with the Special Permit Application.

- (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.
- (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
 - (2) The quality and viability of the proposed open spaces as they are designed
 - (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
 - (4) The availability of common recreational spaces within the building to compensate for the loss of usable outdoor open space
- (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.

5.28.28.2 *Additional Criteria Applicable to Larger Projects*

[NOT APPLICABLE BECAUSE THE PROPOSED PROJECT INCLUDES LESS THAN 10,000 GROSS SQUARE FEET AND LESS THAN TEN (10) DWELLING UNITS]

- 10.47.3** 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.
 - (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.

- (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.
- (4) Parking areas, internal roadways and access/egress points should be safe and convenient.
- (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.
- (6) Service facilities such as trash collection apparatus and utility boxes should be located so that they are convenient for resident, yet unobtrusive.

General Criteria for Issuance of a Special Permit

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
- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (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
- (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
- (g) 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
- (h) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

19.30 Citywide Urban Design Objectives [SUMMARIZED]

Objective	Indicators
New projects should be responsive to the existing or anticipated pattern of development.	<ul style="list-style-type: none"> • Transition to lower-scale neighborhoods • Consistency with established streetscape • Compatibility with adjacent uses • Consideration of nearby historic buildings
Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.	<ul style="list-style-type: none"> • Inhabited ground floor spaces • Discouraged ground-floor parking • Windows on ground floor • Orienting entries to pedestrian pathways • Safe and convenient bicycle and pedestrian access
The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.	<ul style="list-style-type: none"> • Location/impact of mechanical equipment • Location/impact of loading and trash handling • Stormwater management • Shadow impacts • Retaining walls, if provided • Building scale and wall treatment • Outdoor lighting • Tree protection (requires plan approved by City Arborist)
Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.	<ul style="list-style-type: none"> • Water-conserving plumbing, stormwater management • Capacity/condition of water and wastewater service • Efficient design (LEED standards)
New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.	<ul style="list-style-type: none"> • Institutional use focused on existing campuses • Mixed-use development (including retail) encouraged where allowed • Preservation of historic structures and environment • Provision of space for start-up companies, manufacturing activities
Expansion of the inventory of housing in the city is encouraged.	<ul style="list-style-type: none"> • Housing as a component of large, multi-building development • Affordable units exceeding zoning requirements, targeting units for middle-income families
Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.	<ul style="list-style-type: none"> • Publicly beneficial open space provided in large-parcel commercial development • Enhance/expand existing open space, complement existing pedestrian/bicycle networks • Provide wider range of activities