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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: Jeff Roberts, Director of Zoning and Development  
Swaathi Joseph, Zoning Associate Planner

Date: January 11, 2019

Re: **234 Monsignor O'Brien Highway (C-1 to BA) Zoning Petition**

**IRAM FAROOQ**  
Assistant City Manager for  
Community Development

**SANDRA CLARKE**  
Deputy Director  
Chief of Administration

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Deputy Director  
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## Overview

This zoning petition, submitted by attorney Anthony F. Gargano on behalf of property owner Hercules Kalogeropoulos, trustee of 234 Monsignor O'Brien Highway Realty Trust, proposes to change the zoning designation for a single parcel with frontage on Monsignor O'Brien Highway (see maps on following pages) in East Cambridge.

The parcel is entirely within the Residence C-1 (C-1) zoning district and abuts no other zoning district. The proposal seeks to change the designation of the parcel from C-1 to Business A (BA), which would expand the range of allowed uses to include retail and office uses. As noted by the petitioner, the intent is to have a zoning designation for the parcel that permits the establishment of a cannabis retail store. This memo provides a summary of the effects of the proposed zoning change and issues the Board might consider in their deliberations.

## Existing Conditions

The parcel is approximately 3,169 square feet in area with 20.6 feet of linear frontage on Monsignor O'Brien Highway. It currently has a non-conforming non-residential use as an auto repair business. It is surrounded by parcels with residential uses, mostly single-family buildings. The existing single-story concrete block building on the site is non-conforming with regard to many dimensional requirements, including yards and location of parking.



234 Monsignor O'Brien Highway

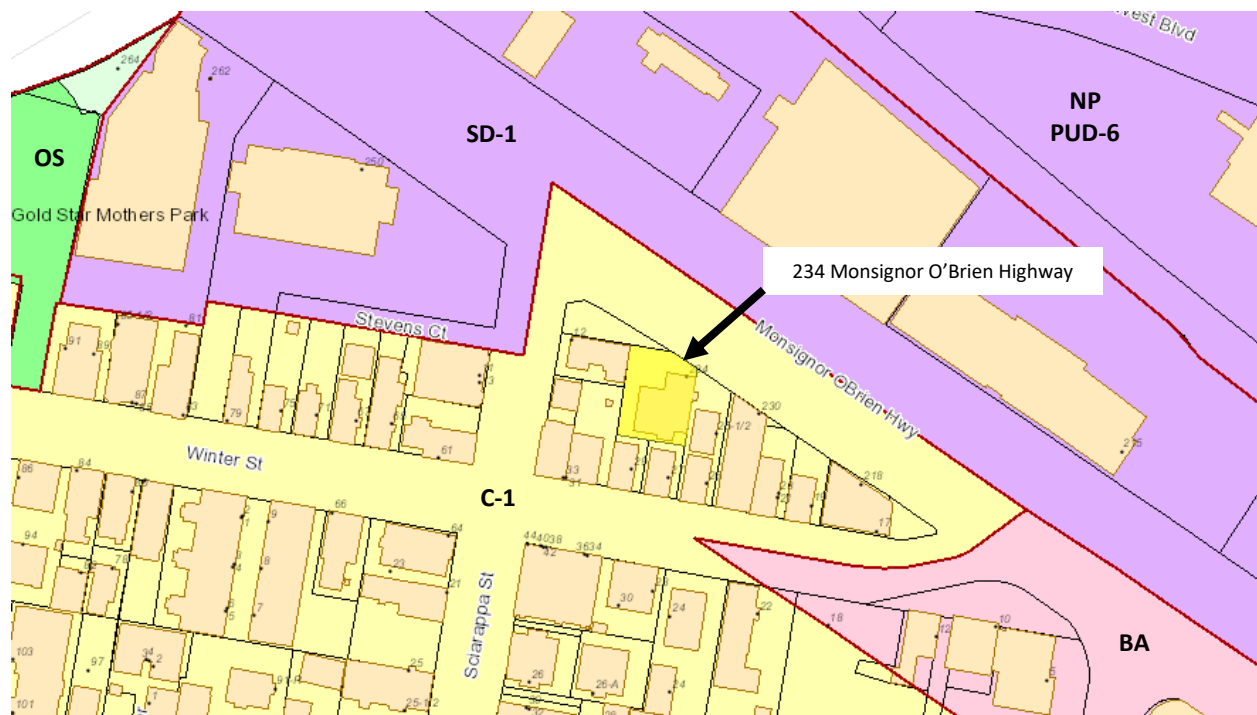
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**Current and Proposed Zoning**



**Summary of Dimensional Requirements** (see Zoning Ordinance for detailed requirements)

|                                    | <b>Current C-1<br/>(Residential)</b>  | <b>Current C-1<br/>(Non-Residential)</b>  | <b>Proposed BA<br/>(Residential)</b> | <b>Proposed BA<br/>(Non-Residential)</b> |
|------------------------------------|---|---|--------------------------------------|--|
| Maximum FAR                        | 0.75  | 0.75  | 1.75                                 | 1.00                                     |
| Maximum Height                     | 35 feet   | 35 feet   | 45 feet                              | 35 feet                                  |
| Minimum Lot Area per Dwelling Unit | 1,500 square feet   | N/A   | 600 square feet                      | N/A                                      |
| Minimum Front Yard Setback         | $(H+L) \div 4$<br>at least 10 feet  | $(H+L) \div 4$<br>at least 10 feet  | $(H+L) \div 4$<br>at least 10 feet   | None                                     |
| Minimum Side Yard Setbacks         | $(H+L) \div 5$<br>at least 7.5 feet   | $(H+L) \div 5$<br>at least 7.5 feet   | $(H+L) \div 5$                       | None                                     |
| Minimum Rear Yard Setback          | $(H+L) \div 4$<br>at least 20 feet;<br>one additional foot per four feet of depth exceeding 100 feet, max 30 feet | $(H+L) \div 4$<br>at least 20 feet;<br>one additional foot per four feet of depth exceeding 100 feet, max 30 feet | $(H+L) \div 4$<br>at least 20 feet   | $(H+L) \div 5$<br>at least 20 feet       |
| Minimum Private Open Space         | 30% of lot area   | 30% of lot area   | 15% of lot area                      | None                                     |

Allowed uses in the C-1 district are primarily residential (single-family, two-family, multi-family) and some limited institutional uses. Allowed uses in the BA district include residential along with various institutional, office, laboratory, retail business, consumer service establishments, and open air or drive-in retail and service. Residential development in the BA district is required to follow the same dimensional requirements as the Residence C-2B district (Section 5.28.1), including formula-based front and side yard setbacks and requirements for ground-level private open space.

Medical marijuana dispensaries and, under the newly adopted zoning that will take effect later this year, cannabis retail stores are allowed in the BA district by special permit from the Planning Board. However, under both current and new zoning, a medical marijuana dispensary or cannabis retail store must be separated by at least 1,800 feet from another such establishment. Last year, the Planning Board granted a special permit for a marijuana dispensary at 200 Monsignor O'Brien Highway, less than 400 feet from this site.

### **Conclusion**

The proposed petition is considering a change in zoning designation from a more restrictive residential zone to a less restrictive mixed-use zone. Although the site itself is a pre-existing, non-conforming commercial use, changing the zoning for this site would allow it to be used or redeveloped in the future in a manner that is substantially different from abutting parcels, including higher-density residential uses or different types of commercial uses. This would impact the immediate residential neighborhood and it is not clear how it would support the City's planning objectives.