

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number:	PB#259
Address:	One Story Street/52 Brattle Street
Zoning:	Business A/Harvard Square Overlay District
Applicant:	BTA Architects, 678 Mass Ave, Cambridge 02139
Owner:	Brattle Street, 52, LLC, c/o James Wolfson, Manager, 18 Woodridge Road, Wayland, MA
Application Date:	March 11, 2011
Date of Planning Board Public Hearing:	April 12, 2011
Date of Planning Board Decision:	April 12, 2011
Date of Filing Planning Board Decision:	June 8, 2011
Application:	Special Permit application to waive the building setback for an elevator enclosure in the Harvard Square Overlay District, Section 20.54.5.
Decision:	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 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 Community Development Department and the City Clerk.

Authorized Representative of the Planning Board:

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

Special Permit Application dated March 11, 2011 containing Cover sheet, summary of application, narrative for the special permit, Appendix 1 – Dimensional Form, Ownership Certificate, Copy of Parcel Block Map #168, and Property Survey with Zoning Districts.

Set of plans of various scales, dated March 11, 2011, sheets 1 to 27.

Other Documents

1. Cambridge Historical Commission Certificate of Appropriateness dated 2/14/11.
2. Cambridge Historical Commission Certificate of Appropriateness dated 3/25/11.
3. Letter to the Planning Board from Susan Hartnett, Executive Director, Cambridge Center of Adult Education, dated 4/12/11.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Section 20.52: General Principles of the Harvard Square Overlay District

The elevator enclosure proposal is designed after much study by the applicant as to the best way to provide safe access to the upper floors of this building. There were a number of options studied that would not have provided as good access as this plan or would have required large scale reconstruction of the existing building services and utilities.

The addition has been reviewed by the Historical Commission with regards to the aesthetic and architectural character of Harvard Square as a whole and Story Street in particular. They have found it to be an appropriate solution.

There is no change to the diversity of the development or the open space in Harvard Square.

This proposed change enhances the usability of the building, creating a safe access to the upper floors.

2. Section 20.54.5 Waiver of Setback Requirements

Section 20.54.4 sets forth that the Planning Board may exempt a new structure from the applicable yard requirements in the Harvard Square Overlay District, so long as the design of the structure is in conformance with the objectives and criteria contained in the *Harvard Square Development Guidelines* and shall not cause the demolition or significant alteration of a National Register or contributing building. The subject building is not a National Register or contributing building.

The Planning Board finds, as set forth above, that the design of the elevator enclosure is in keeping with the Harvard Square Overlay District and existing architectural character of the One Story Street. The creation of an offset between the old and the new bricks helps make the small addition fit with the existing building character by making the inevitable difference between old and new bricks less obvious.

The Planning Board also finds that the elevator enclosure responds positively to the *Harvard Square Development Guidelines* by preserving the character of the building, accommodating the continuation of the uses within the building, minimizing negative impacts on the public realm, and mitigating the appearance of service areas at the rear of the building. Therefore the Board finds it acceptable to waive the yard setback requirements for the proposed elevator enclosure.

3. General Criteria for Issuance of a Special Permit (10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

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,

The granting of this Special Permit and the requested relief from the Board of Zoning Appeal will fulfill the requirements of the Zoning Ordinance.

(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character,

The use and size of the building will remain the same and no new traffic will be generated with the construction of the elevator.

(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,

Adjacent uses will not be adversely affected by the construction of the elevator. The “back of building” uses off of Story Street will be improved, a grate will prevent inappropriate use of the trash and recycling area and the loading entries will be clearly marked.

- (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,*

The elevator enclosure will improve the access to the upper floors of the existing building, creating a safe and accessible entry to those floors, without creating any nuisance or hazard.

- (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,*

The elevator enclosure is consistent with the intent of the base zoning district and the purpose of the Harvard Square Overlay District, and will be an improvement to the operation of the existing building.

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

No new uses are proposed; however, all new construction is consistent with the citywide urban design objectives, as set forth below.

- 19.31: *New project should be responsive to the existing or the anticipated pattern of development.*

This is an existing building constructed before accessibility standards, the addition responds to the need and demand for universal access to all three floors.

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

The removal of the alley parking and improvements to the “back of building” area will be positive changes to the pedestrian streetscape.

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

The proposal includes plans to improve the area between the buildings to address the needs of the existing restaurant operations and the Cambridge Center for Adult Education future plans for the building next door.

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

This is a modest addition that does not increase the service demand for streets, water or sewer service.

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

This addition preserves the character of this corner location in the Business A district.

- 19.36: *Expansion of the inventory of housing in the city is encouraged.*

This criterion is not applicable because no new uses are proposed.

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

Open space enhancement is not applicable to this project.

DECISION

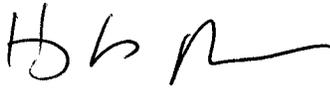
Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents dated March 11, 2011, and all supplemental documents and information submitted by the Applicant to the Planning Board as referenced above. Appendix I summarizes the dimensional features of the project as approved.
2. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for the project, 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 Decision. As part of CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment, if such changes are deemed by staff to be to be significant.
3. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

4. The Permittee shall continue to develop plans to address the impacts of the trash enclosure and delivery area on adjacent use. The final plans of the proposed solution will be approved by CDD prior to certifying the building permit plans to the Superintendent of Buildings.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members H. Russell, P. Winters, T. Anninger, S. Winter, T. Cohen, W. Tibbs and C. Studen, Associate Member, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



Hugh Russell, Chair

A copy of this decision PB#259 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 June 8, 2011, by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

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

DATE:

City Clerk of Cambridge

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Granted
Lot Area (sq ft)	6,821 SF	NA	6,821 SF	6,821 SF
Total GFA (sq ft)	24,096 SF	6,821 SF (1)	24,522 SF (1)	24,522 SF
Residential Base	NA	NA	NA	NA
Non-Residential Base				
Inclusionary Bonus	NA	NA	NA	
Total FAR	3.53	1.0	3.595	3.595
Residential Base	NA	NA	none	
Non-Residential Base				
Inclusionary Bonus	NA	NA	NA	
Total Dwelling Units	NA	NA	NA	NA
Base Units				NA
Inclusionary Bonus Units				
Base Lot Area / Unit (sq ft)				
Total Lot Area / Unit (sq ft)				
Lot Width (ft)	87'/79'9"	0	87'/79'9"	87 feet/79'9"
Height (ft)	36'3"	35'	36'3"	36'3"
Front Setback - Story Street	1'		1'	1'
Front Setback – Brattle Street	1'		1'	1'
Side Setback – Story	12'		4'3"	4'3"
Side Setback – Brattle St	1'		1'	1'
Open Space (% of Lot Area)	0	None	0	0
Private Open Space	0		0	
Permeable Open Space	0		0	
Off-Street Parking Spaces	0		0	0
Handicapped Parking Spaces	0		0	0
Bicycle Spaces	0		0	
Loading Bays	0		0	

(1) The proposal shall seek a variance from the Board of Zoning Appeal for relief from FAR limitations.