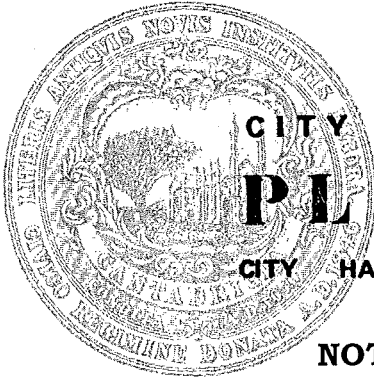


CLERICAL ERROR IN OWNERS ON ORIGINAL DECISION.
ORIGINAL DECISION WAS FILED IN THE OFFICE OF THE
CITY CLERK ON DECEMBER 3, 2001 AT 4:10 PM



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION - AMENDED

Case No: PB#172

Address: 56 Elm Street

Zoning: Business A

Owners: 56 Elm, LLC, and Maureen Sullivan, 1956 Beacon Street,
Brighton, MA 02135

Applicants: Lloyd Rosenthal and Mark Resnik, 1956 Beacon Street,
Brighton, MA 02135

Application Date: October 2, 2001

Public Hearing: November 20, 2001

Planning Board Decision: November 20, 2001

Date of Filing Decision: December 3, 2001

Application: Special Permit to convert a commercial building into three
units of housing in accordance with section 5.28.

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 the 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 Office of the Community Development Department and the City
Clerk.

Authorized Representative to the Planning Board *Liza M. Paden*
For further information concerning this decision, please call Liza Paden
at 617-349-4647, TTY: 349-4621, email lpaden@ci.cambridge.ma.us.

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB#172

Address: 56 Elm Street

Zoning: Business A

Owners/Applicants: Lloyd Rosenthal and Mark Resnik, 1956 Beacon Street, Brighton, MA 02135

Application Date: October 2, 2001

Public Hearing: November 20, 2001

Planning Board Decision: November 20, 2001

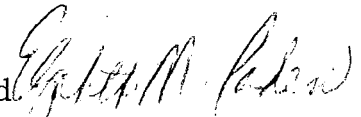
Date of Filing Decision: December 3, 2001

Application: Special Permit to convert a commercial building into three units of housing in accordance with section 5.28.

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 the 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 Office of the Community Development Department and the City Clerk.

Authorized Representative to the Planning Board 
For further information concerning this decision, please call Liza Paden at 617-349-4647, TTY: 349-4621, email lpaden@ci.cambridge.ma.us.

Case No: PB#172

Address: 56 Elm Street

Zoning: Business A

Owners/Applicants: Lloyd Rosenthal and Mark Resnik, 1956 Beacon Street, Brighton, MA 02135

Application Date: October 2, 2001

Public Hearing: November 20, 2001

Planning Board Decision: November 20, 2001

Documents Submitted

1. Special Permit Application certified complete and submitted to the City Clerk's Office on October 2, 2001, containing Application plans entitled "Building Renovation, 56 Elm Street, Cambridge, Mass."; Choo and Company, Inc., Architects; dated 5/30/01 with revisions dated 8/23/01 showing landscaping; scale 1/4" equals 1'; sheets A-0, A-1 and A-2; plot plan dated June 14, 2001; narrative and dimensional description dated August 5 and revised August 24, 2001.
2. Payment of fee by check dated 9/28/01 from 56 Elm Steet LLC.
3. Authorization to extent the time required to hold the public hearing dated 10/25/01 by Lloyd Rosenthal.

Findings

After review of the application documents and other documents submitted to the Board, testimony taken at the public hearing, and review and consideration of the Special Permit and the general special permit criteria, the Board makes the following considerations and findings:

1. Conformance with Criteria for Approval of a Special District in Section 5.28.27

- *The impact of residential neighbors of the new housing use as it may affect privacy.*

The building abuts a commercial use on the Broadway side and in the rear as well as a parking lot to the north. The only existing residential uses are across the street, therefore the new residential units will not negatively impact the privacy of the existing neighbors.

- *The impact of increased numbers of dwelling units above that normally permitted in the district, on on-street parking, particularly in neighborhoods where off street parking is limited.*

In the Business A District, 2.94 units are allowed, so the 3 units proposed are not a significant increase; More than five dwelling units would be permitted under the provision. There have not been any parking spaces for former commercial uses in the building, nor will there be any off street parking spaces provided for the residential use; it is assumed that residents will park on the street or secure off street spaces elsewhere. While residential parking is at a premium in the neighborhood and on Elm Street and reuse of the building will entail creation of a parking demand. Of all the possible uses of the building, residential use is preferable.

2. Conformance to the general criteria for the issuance of special permits contained in Section 10.40 of the Zoning Ordinance

A special permit will normally be granted where specific provisions of this Ordinance are met, except where the particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting such permit to be to the detriment of the public interest because of the following:

a. The requirements of the Ordinance cannot be met.

With the issuance of this special permit the requirements of Section 5.28 Special Dimensional Standards will be met. The roof deck proposed will require a variance from the Board of Zoning Appeal.

- The new Gross Floor Area of the proposal is to be contained within the existing building. The headhouse created for access to the roof of the building for maintenance does not count as GFA as long as there is no other GFA at that level. Should the possible roof deck open space be authorized the headhouse would then count as GFA.

- The number of the dwellings units is fewer than the permitted 5 units.
- The building has minimal yards; no additional setbacks will be created with the conversion of the building use. There will be no construction beyond the existing structure.
- The height of the building will remain the same, with the exception of the headhouse on the roof, which is exempt from the height limit.
- There is currently no open space on the lot. A roof deck is proposed to meet much of the open space requirements, but that construction will require a variance from the Board of Zoning Appeal. The remainder of the lot not covered with building or necessary walkways will be converted to Green Area Open Space as required in the Ordinance.

b. Traffic generated or patterns of access and egress will cause congestion, hazard, or substantial change in established neighborhood character.

The conversion to residential use will be in keeping with the adjacent residential neighborhood as well as the public school located within the block.

c. The continued operation of or development of adjacent uses as permitted in the Zoning Ordinance will be adversely affected by the nature of the proposed use.

The project is abutting the residential C-1 zoning district and will be consistent with the other noncommercial uses on Elm Street. Alternate commercial uses would likely be more disruptive to the adjacent residential uses.

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.

No nuisance or hazard will be created. All health, safety, and noise standards will be observed.

e. For other reasons, the proposed use would impair the integrity of the district or the adjoining district, or otherwise derogate from the intent and purpose of this Ordinance.

The proposed development is consistent with the requirements of Section 5.28 of the Zoning Ordinance, and will meet the dimensional requirements and standards of the Residence C-2B district.

Decision

Based on a review of the application documents, comments made at the public hearing, and based on the above findings, the Planning Board **GRANTS** the Special Permit subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in substantial conformance with the plans and application documents submitted to the Planning Board as referenced above. Appendix I summarizes the dimensional features of the Project as approved.
2. Final Plans submitted to the Inspectional Services Department for a building permit shall be certified by the staff of the Community Development Department as substantially in conformance with this Decision.
3. The Community Development Department shall approve a landscaping plan for the lot before issuance of any certificate of occupancy for the development, and that plan shall thereafter to implemented.
4. All Usable Open Space requirements of Section 5.22 and Section 5.30 are waived subject to the implementation of landscaping on the lot as shown on the above referenced plans. The permittee shall, however, apply for a variance with the Board of Zoning Appeal to permit the construction the rooftop deck as shown on the approved plans before the issuance of the first certificate of occupancy for the development. The permittee shall thereafter make every reasonable effort to secure the required variance for the Gross Floor Area needed to construct the deck. This Decision includes approval of the roof deck should the required variances be granted and approval of the deployment without the roof deck should the variance not be granted.

Voting in the affirmative to GRANT the Special Permit were P. Winters, T. Anninger, F. Darwin, L. Brown, L. Stanley and B. Shaw, constituting more than the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,

A handwritten signature in cursive script that reads "Larissa Brown" with a circled "LMB" to the right.

Larissa Brown, Chair

A copy of this decision #172 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 3, 2001, by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

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

DATE:

City Clerk

City of Cambridge