



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

## NOTICE OF DECISION

Case No: PB #178

Address: 355 Green Street

Zoning: Business B/Central Square Overlay District

Owners: Harry Katis, Trustee, 720 Mass Ave, Cambridge, MA 02139

Applicants: As in Owner above.

Application Date: July 16, 2002

Public Hearing: August 13, 2002

Planning Board Decision: October 29, 2002

Date of Filing Decision: November 8, 2002

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Application: Construction of 27 units of housing above ground floor retail and below grade parking for 21 cars. Reduction in setback requirements, waiver of the as-of-right height limit, and waiver of the required parking spaces.

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: 617-349-4621, email [lpaden@ci.cambridge.ma.us](mailto:lpaden@ci.cambridge.ma.us).

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**Documents Submitted**

1. Special Permit Application certified complete and filed with the City Clerk on July 16, 2002 containing the project description; dimensional form; plans, elevations, and floor plans and photos of existing; ownership certificate; application fee.
2. Plans entitled "349-357 Green Street - 720 Realty Trust Design Study" dated June 12, 2002; by TKG Khalsa Design Inc., various scales; including site plan, landscape plan, locus plan, plans labeled A-1 to A-14, elevations and floor plans of the basement, floors and roof plan of the building.

**Other Documents Submitted**

1. Transmittal from Khalsa Design Inc., dated 8/7/02, sheets A-3 and A-4 for parking ramp redesign.
2. Central Square Advisory Committee notes on the June 19, 2002 CASC review of the proposal.
3. Letter to the Liza Paden, CDD, for the Planning Board, from Jason Schrieber, Traffic, Parking and Transportation, dated 7/30/02, outlining the review of the proposal with the memo to Elaine Thorne, CDD, dated 6/18/02.

4. Letter to the Planning Board from Councilor Marjorie Decker, dated 7/29/02, supporting the application.
5. Letter to the Planning Board from Councilor Kenneth Reeves, dated 7/30/02, supporting the application.
6. Letter to the Planning Board from Mayor Michael A. Sullivan, dated 7/31/02, supporting the application.
7. Memo to the Liza Paden, from Jason Schrieber, dated 8/9/02 reviewing the revised plans for the proposal.
8. Letter to the Planning Board from the applicant dated 8/26/02 outlining the outstanding Planning Board issues.
9. Letter to Roger Boothe, CDD staff, from George H. Kais, dated 9/25/02, outlining the issues with the abutter.
10. Copy of the letter to Eric Pfeufer, from Tenneyson M. Muindi, Haley and Aldrich, dated 10/28/02 re: potential impact of proposal.
11. Plans and letters dated 10/21/02, outlining the changes to the proposal, in response to Planning Board comments. Including copies of letters to Jai Singh Khalsa, from John Henn, dated 9/24/02 and one dated 10/9/02 and plans dated 10/21/02.

## **Findings**

After review of the application documents, testimony taken at the public hearing, and review of the general special permit criteria, the Board makes the following findings.

### **1. Conformance with 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 granting of this special permit the requirements of the Ordinance will be met.

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

The creation of 27 housing units, 1, 242 square feet of commercial space and 21 parking spaces on a lot now accommodating a surface parking lot will not cause congestion or hazard and will not change the established character of the neighborhood. The Central Square Overlay District and the *Action Plan* encourage a mix of uses including housing throughout the district, which will be provided here.

**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.**

Adjacent activities will not be adversely affected; the retail and office uses on adjacent lots will continue to operate unencumbered by the creation of the new residential building. The new residents in the building will reinforce the desirable variety of activity that the Overlay district and its constituent planning documents encourages. The landscaped rear yard will be a visual amenity that can be shared by all abutters to the site. The revised landscaping plan, requested by the Planning Board in its review of the initial application documents, significantly improves the quality of the development and mitigates its impact on adjacent properties.

**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 residential use will create no nuisance or hazard.

**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 use is consistent with the intent of the Business B District and the Central Square Overlay District to create a lively mixed-use environment in which residential living is an important component. The new residential units will not impair the integrity of this district. Indeed, aspects of the development, including the landscaped rear yard, are positive improvements that enhance the district and adjoining districts.

**2. Conformance with the criteria for the issuance the special permit under Section 20.304.2(b) and (c): Additional Height and Waiver of the Sky Exposure Plane, and Section 20.304.4: Waiver of Setback Requirements.**

*No special criteria are established for the granting of additional height or waiver of setbacks in the Central Square Overlay District. Any special permit, however, must meet the following general standards.*

**a. The proposed development is consistent with the goals and objectives of the Central Square Action Plan**

The project is consistent with the district-wide goals of the Central Square Overlay District: The project reflects the scale and character of new development expected in Central Square; by introducing new residents to the Square, the retail base of the Square is strengthened; new residents will contribute to the liveliness of the Square; the physical environment will be improved by creating a new building on a currently vacant parking lot; a small retail/office space will be provided along the street on the first floor of the building; the project will be principally housing and will provide the inclusionary housing units required by the Zoning Ordinance; and no existing structure will be demolished.

**b. The building and site design is consistent with the Urban Design Plan for Central Square as outlined in the Central Square Action Plan and the Central Square Development Guidelines.**

The project is fully consistent with these documents. It is an urban building directly facing onto the street, with a lively façade at both the ground level and on its upper stories. The top-most floor is set back from the main façade. In scale, the building is consistent with the size of buildings anticipated by the provisions of the Central Square Overlay District and is similar to the scale of residential buildings approved earlier by the Planning Board in Central Square. To the maximum extent possible the ground floor is active with both the entry into the building and with the provision of a small storefront. The façade of the building has been modified and significantly improved in the course of discussions with the Planning Board. That improved façade is reflected in the revised documents the Planning Board has approved, and now presents a well-balanced and attractive face to the public street.

The existing buildings on the abutting Green Street lots do not provide significant front or side yard setbacks. The abutting buildings fronting on Massachusetts Avenue provide no substantial front, side or rear yards. This project is consistent with that urban pattern, which is encouraged and allowed by the provisions of the Central Square Overlay District.

This project will create a rear courtyard that will be appropriately landscaped and useful to the occupants of the building. That courtyard design was also the subject of substantial revisions through the Planning Board review process which have greatly improved its usefulness as both a visual amenity and as a place in which residents might wish to linger.

- c. No national Register or contributing building is demolished or so altered as to terminate or preclude its designation as a national Register or contributing building.**

There is no building on the site.

- d. No National Register or contributing building is altered or has been demolished in the preceding five years.**

There is no building on the site.

**3. Conformance with the criteria for the issuance the special permit under Section 20.304.6: Waiver of Parking and Loading Requirements.**

- a. The exemptions will result in a more appropriate building design for its location and context and is in conformance with the *Development Guidelines*.**

A better-designed building, relating well to the street, is more easily accommodated on this site if the full complement of parking is not provided.

- b. The findings in Section 6.35.1 can be made:**
- \* Excessive congestion will not result.**
  - \* Public safety will not be endangered.**
  - \* Availability of parking for other uses will not be substantially reduced.**
  - \* There will not be adverse impact on the neighborhood.**
  - \* Positive environmental benefits will accrue to user of the lot and the neighborhood**

No congestion will be created; public safety will not be endangered; the building is located at the heart of Central Square where use of public transit and multiple-occupancy vehicles is strongly encouraged; the residential neighborhood is more than a block away; a rather unsightly and intrusive surface parking lot will be replaced with a well designed urban building.

**c. The findings in Section 6.35.1 are based on the following considerations:**

- \* Surplus off-street parking in the vicinity or proximity to an MBTA station.**
- \* Availability of public or commercial parking.**
- \* Parking can be shared with a use having a different demand.**
- \* Age or occupancy restrictions to likely to lower auto usage.**
- \* Negative environmental impacts as a result of providing the parking.**
- \* Increases the financial and procedural costs of providing affordable housing.**

The building is located within 5 minutes of the Central Square bus terminal staging area as well as the Central Square Red Line subway entrance. Public transportation will be readily available to the residents and occupants of this building. Public parking is provided in surface lots nearby. It is reasonable to expect that some residents of the building will be able to forgo the use of an automobile.

The Board is aware that the parking that is being provided is tightly designed due to the constrained nature of the site. The permittee is encouraged to make every effort to ensure that in the final design documents and in construction of the building each space indicated on the plans will be accessible to residents. As it is assumed that parking spaces will be assigned to specific units, the Board expects adjustments in behavior will be necessary and will be made by residents so that all available spaces will be used. Nevertheless, this is a location where less than the full complement of parking on the site is reasonable and in many respects desirable.

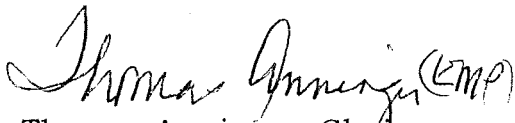
**Decision**

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 requested Special Permit relief subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in substantial conformance with the application documents submitted to the Planning Board as referenced above, with revision to plans dated 10/21/02. Appendix I summarizes the dimensional features of the Project as approved.
2. The Community Development Department (CDD) shall certify to the Superintendent of Buildings that the final plans submitted to secure a Building Permit are consistent with and meet all conditions of this Decision.
3. No windows shall be installed, even on a temporary basis, on the two party-wall sides of the building.

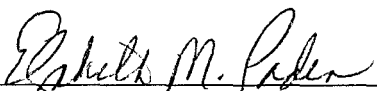
Voting in the affirmative to **GRANT** the Special Permits were T. Anninger, W. Tibbs, B. Shaw, P. Winters, H Russell, and L. Brown, constituting at least the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,

  
Thomas Anninger, Chair

A copy of this decision #178 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 **November 8, 2002** by  ,  
authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date or as part of the original application.

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

DATE:  
City Clerk  
City of Cambridge