



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Permit No: #197

Address: 201 Brookline Street

Applicant: Jonathan Leavitt

Owner: Speed Auto Glass, Inc., Allan Skidmore

Zoning District: Special District 9

Application Date: August 26, 2004

Public Hearing: October 5, 2004

Planning Board Decision: December 21, 2004

Date of Filing Decision: January 3, 2005

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 OFFICE OF THE CITY CLERK  
 CITY OF CAMBRIDGE, MASSACHUSETTS

Application: Special Permit for the conversion of nonresidential structure to residential use to waive the dimensional requirements for gross floor area, yard requirements and useable open space. Section 5.28.2. Also requests a special permit to reduce the number of required parking spaces by providing 6 tandem parking spaces, Section 6.35.1.

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 with the City Clerk and the Community Development Department, 344 Broadway, Cambridge, MA 02139

Authorized Representative to the Planning Board *Elizabeth M. Paden*

For more information regarding this special permit, please contact Liza Paden at the Community Development Department, 344 Broadway, Cambridge, 617 349 4647, TTY 617 349 4621, or lpaden@cambridgema.gov.

### Submitted Documents

Special Permit application including Ownership Certificate; supporting statement for a special permit. dimensional information form. three photographs undated, showing the proposed site to be converted; site plan A1.0 dated 8/9/04, front and back elevations A2.1 undated, side elevations A2.2 dated 7/30/04. Plot plan. dated 7/26/04 by Commonwealth Engineering Associates, Landscape plan by Pamela Hart Landscape Services, dated 8/3/01.

### Other Documents Submitted

1. Memo to the Planning Board from Jason Schrieber, Cambridge Traffic, Transportation, and Parking. dated 10/5/04.
2. Letter to the Planning Board from Jennifer Lincoln and Robert Gibson. dated 10/5/04
3. Letter to Elizabeth Paden, Community Development Department. from Jonathan Leavitt, applicant. dated 10/5/04.
4. Copy of a fax sent to Larry Duberstein. from Jonathan Leavitt. dated 10/28/04.
5. Copy of a letter sent to Lee Brown. et al. from Jonathan Leavitt, dated 11/2/04. cover to plans submitted dated 11/2/04. proposed site plan A0.1 and parking alternatives A0.2.
6. Letter to the Planning Board from Cyrus Mehta. et al dated 11/9/04.
7. Letter to the Planning Board from Lee Brown and Larry Duberstein. dated 11/9/04.
8. Letter to the Planning Board from Jonathan Austin and Laura Sheffield. dated 11/9/04.
9. Plans dated 11/29/04. site plan A1.0. front and back elevations A2.1, side elevations A2.2. courtyard elevations A2.3. and courtyard elevations A3.1.
10. Letter to the Planning Board from James Rafferty. dated 12/1/04.
11. Letter to the Planning Board from Jonathan Austin and Laura Sheffield, dated 12/6/04.
12. Revised Plans dated 12/7/04. site plan A1.1. roof plan A1.2, and landscaping plan with plant list.

## Findings

### 1. Conformance with General Special Permit Criteria in Section 10.43.

A special permit will normally be granted where specific provisions of this Ordinance are met, except when the 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.

#### *a. The requirements of the Zoning Ordinance can be met.*

With the granting of this special permit, the requirement of the Zoning Ordinance will be met. Section 5.28.2 of the Zoning Ordinance establishes existing conditions of the building with regard to FAR, setbacks, height and open space as the requirements applicable to the project.

#### *b. Traffic and patterns of access and egress will not cause hazard or congestion or change in neighborhood character.*

The traffic generated by the residential units will be less than the existing commercial building has generated in the past as an auto-repair facility. Traffic access patterns will be the existing parking lot. Moreover, the existing curb cuts for the garage entries will be removed and one parking space on Erie Street will be added and three or four time-restricted on street parking spaces will be added on Brookline Street.

#### *c. The operation or development of adjacent uses will not be adversely affected.*

The proposal abuts an existing multifamily and two family houses. The proposed residential use will be compatible with those adjacent uses and will be consistent with the objective of Special District 9 to phase out nonresidential uses in favor of residential uses, the new residential uses will displace an intrusive and incompatible light industrial use.

#### *d. No nuisance or hazard will be created to the detriment of the health, safety and welfare of future residents or citizens of Cambridge.*

The project will comply with the applicable health, safety and building code requirements. No hazard or nuisance will be created. Noise and other effects related to the operation of a car repair facility will be eliminated.

#### *e. The use will not impair the integrity of the District or adjoining districts or otherwise derogate from the intent and purpose of this Ordinance.*

The conversion from commercial use to residential is consistent with the intent of the Zoning Ordinance generally and Special District 9 in particular.

*f. The new use or building construction is consistent with the Urban Design Objectives set forth in Section 19.30.*

The new use is consistent with those objectives:

(i) The reuse of the building is responsive to the existing and future pattern of development in the area with the introduction of residential use into a building formerly used for commercial activities. It is the intent of Special District 9 that nonresidential uses along Brookline Street should convert to housing over time.

(ii) The building will be renovated and improved and significant landscaping will be installed along the sidewalks and in the parking lot. The building will be renovated to present a more appealing public face to the abutting streets with significant increased amounts of glass and an upgraded general appearance.

(iii) Rooftop mechanical equipment will be appropriately screened and organized.

(iv) The conversion will not overburden existing infrastructure.

(v) The conversion will expand the inventory of housing in the City.

**2. Criteria for Approval of a Special Permit, Section 5.28.27(1) and (2).**

*(a) The Planning Board is instructed to review the impact on residential neighbors of the new housing uses as it may affect privacy. The location and size of windows, screening elements, decks, and other aspects of design shall be reviewed in order to ensure that the new use will maintain reasonable levels of privacy for abutters where significant variations from the normally required dimensional standards for the district are granted.*

The proposal is using the existing windows where the walls face abutting properties and will use fencing to screen the parking area, which has been designed with input from the abutters. The conversion of the existing building will be able to provide a reasonable level of privacy for its inhabitants as well as for neighbors.

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

Six units are allowed on this lot in the base Special District 9 District so that additional density is not being requested.

*(c) Amount of open space may be reduced if the Board finds that full compliance cannot reasonably be expected given existing development on the lot and the provision of parking.*

To provide the required amount of open space, part of the building would have to be demolished or the existing parking spaces would have to be removed. The proposal for the open space in the middle of the building will meet the intent of the open space regulation, along with the landscaping to be provided in the front of the building and in the parking lot.

*(d) The requirements of the base district are applicable, or when they cannot be met the following apply:*

(i) The Floor Area Ratio is that of the existing building; all construction will occur within the existing structure.

(ii) The project conforms to the density requirements of Special District 9.

(iii) The height of all new construction is within the height of the existing structure and less than the 35-foot height limit permitted in the district.

(iv) The yards applicable are the existing setbacks for the building.

(v) The Planning Board has permitted a reduction of the amount of required Open Space to that amount provided in the approved plan, which includes the landscaping area in the parking lot, the landscaped area in the interior space, and the landscaping in the front of the building.

### **3. Criteria for Reduction of Required Parking, Section 6.35.1**

In granting such a reduction the Planning Board shall consider the following.

*(a) Surplus street parking or proximity to MBTA transit station.*

The reduction requested is for one space only. The project will result in the increase in one permanent on street parking space and will allow the creation of between three and four additional on street spaces available at critical hours in the evening and on weekends when residential parking demand is at its greatest. The project is within walking distance to Central Square and the Red Line subway service and multiple bus line service available there.

*(b) Availability of commercial parking facilities.*

Commercial parking facilities are not generally available.

*(c) Shared parking.*

No other use will be using the available spaces on the lot.

*(d) Occupancy restrictions/*

There will be no occupancy restrictions for residents of this building.

*(e) Impact of the parking requirement on the physical environment.*

The parking lot is currently barren and has historically accommodated six parking spaces. By providing only five spaces, each space becomes more useable and there is provided an opportunity to introduce a significant amount of landscaping, which will significantly enhance the appearance of the parking area for both new residents and neighbors.

*(f) Special Provisions where affordable housing is provided.*

Affordable housing will not be provided on this site.

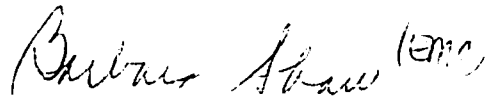
**Decision**

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 for conversion of nonresidential structure to residential use Section 5.28.2 and permits the waiver of one parking space with 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 reference above and dated December 7, 2004. 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, the 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 Permit.
3. All authorized development shall conform to the requirements of the City of Cambridge "Noise Control Ordinance", Chapter 8.16 of the City Municipal Code.

Voting in the Affirmative to GRANT the Special Permit were B. Shaw, H. Russell, P. Winters, T. Anninger, T. Carpenter, L. Brown, and W. Tibbs, constituting at least two thirds of the members of the Planning Board necessary to grant a Special Permit.

For the Planning Board



Barbara Shaw, Chair

A copy of this decision, #197, shall be filed with 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 January 3, 2005 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 or as part of the original application.

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

DATE:

**Appendix I - Dimensional Form**

**Special Permit #197**

**Address: 201 Brookline Street**

	Allowed/Required	Existing	Proposed	Granted
<b>Total FAR</b>				
Residential	.6		.78	.78
Non-Residential		.83		none
Inclusionary Bonus	na	na	na	na
<b>Total GFA in Sq. Ft.</b>	6,977			
Residential			9,093	9,093
Non-Residential		9,333		
Inclusionary Bonus	0	0	0	0
<b>Max. Height</b>	35	15	15	15
Range of heights				
<b>Lot Size</b>	5,000	11,629	11,629	11,629
<b>Lot area/du</b>	1,800	na	1,938	1,938
<b>Total Dwelling Units</b>	6	0	6	6
Base units				
Inclusionary units				
<b>Min. Lot Width</b>	50	134 Brookline St 98.5 Erie St	134 Brookline St 98.5 Erie St	134 Brookline St 98.5 Erie St
<b>Min. Yard Setbacks</b>				
Front	10	8.5/0	8.5/0	8.5/0
Side, Erie	21.5	0	0	0
Side, Brookline	23	0	0	0
Rear	Na	Corner lot NA		
<b>Total % Open Space</b>				
Usable				
Other				
<b>Off Street Parking</b>				
Min #	6	6 tandem	5	5
Max #				
Handicapped				
<b>Bicycle Spaces</b>				
<b>Loading Bays</b>				