

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case No: PB #218

Address: 303 Cambridge Street

Zoning: Business A

Owners: Italian-American Community Center of Cambridge, Inc.

Applicants: Gary Gilbert, 11 Magnolia Avenue, Manchester-By-The-Sea, MA 01944

Application Date: July 20, 2006

Public Hearing: August 15, 2006 (Section 5.28.2)
September 26, 2006 (Section 6.35.1)

Planning Board Decision: September 26, 2006

Date of Filing Decision: October 3, 2006

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
1 2006 OCT -3 A 9:28

Application: Special Permit (Section 5.28.2) to convert the second and third floors of a nonresidential structure to 2 units of housing and to waive the parking requirement (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 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.

Documents Submitted

1. Special Permit Application certified complete and filed with the City Clerk on July 28, 2006 containing the Land Use Plan, Vicinity Map, summary of the application, ownership certificate, project description; dimensional form; plans, elevations, and application fee.
2. Plans entitled "303-305 Cambridge Street" dated July 20, 2006, by Gary W. Gilbert, including ground floor, third floor, second floor and basement.
3. Photographs of the existing building.

Other Documents Submitted

1. Letter to the Planning Board from Gary W. Gilbert, dated 8/16/06
2. Copy of letter to John Albert, from Gary W. Gilbert, dated 9/26/06

Findings

After review of the application documents, other documents submitted to the Board, testimony taken at the public hearing, and review of the 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 these special permits 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 change from the social club to two residential units will result in a decrease of traffic. There is no vehicular access or egress currently to the building from Cambridge Street or from the rear of the lot from Winter Street. The site is within two blocks of the Lechmere MBTA Station.

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 uses are similar to this proposal, with ground floor retail uses and residential uses on the upper floors. This will be a continuation of a common land use pattern in this neighborhood.

d. Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City.

No nuisance or hazard will be created.

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 intent of the Zoning Ordinance generally is to encourage a variety of residential types. This proposal will advance that objective by creating two very large housing units.

2. Criteria for Approval of a Special Permit for conversion from nonresidential to residential use, Section 5.28.27

(1) The impact of residential neighbors of the new housing use as it may affect privacy. The location and size of windows, screening elements, decks, entries, and other aspects of the design shall be reviewed to maintain reasonable levels of privacy of abutter where significant variations from the normally required dimensional standards for the district are granted.

The proposal will maintain the window and door openings currently in use in the building; no new exterior elements are to be added.

(2) 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.

The addition of two residential units will not negatively impact the abutting commercial uses on Cambridge Street. The site is located on a bus route that connects with Harvard Square and Lechmere Square and within walking distance to the Lechmere Green Line T stop.

3. Considerations for Approval of a Special Permit for conversion a reduction in Required Parking, Section 6.35.1

It is not physical possible to gain access to the rear yard for the purpose of providing accessory parking without securing agreements with abutting property owners. Such agreement may not be secured. Therefore, in order to make profitable use of portions of the building for residential use the Planning Board finds it appropriate to grant a waiver of the required two parking spaces in service to the general City objective to provide new dwelling units within the city's mixed use shopping districts.

(1) Availability of off-street parking or proximity to an MBTA station

The location is within two short blocks of an MBTA train station that serves not only the trolley but also many bus routes and is on a bus line serving Lechmere and Harvard Squares.

(2) Availability of commercial or public parking.

There is a public parking garage located between Spring and Otis Streets two blocks south of Cambridge Street and the Lechmere Station.

(3) Shared off-street parking.

The post office on the ground floor could logically share parking with the residential use if parking could actually be provided.

(4) Age or occupancy restrictions.

There will be no such restrictions.

(5) Impact of parking on the physical environment.

The lack of parking on the site will provide the opportunity to introduce Green Area Open Space for the benefit of future residents in an area heavily development and in need of the provision of more green open areas.

(6) Provision of affordable housing.

No affordable housing will be provided.

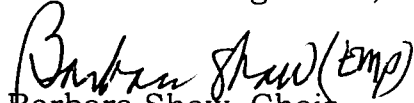
Decision

Based on a review of the application documents, comments made at the public hearing, written and other information submitted to the Board and based on the above findings, the Planning Board **GRANTS** the requested Special Permit relief to (1) waive the parking and loading requirements for the new residential units, and (2) to allow the conversion of a nonresidential building to residential use.

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 (except as they may be modified by the Conditions of this Decision) as accepted by the Community Development Department on September 26, 2006.
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. The proponent will prepare a landscaping plan that shows the rear yard with or without parking, and a schedule for the installation of the plant materials to be submitted for approval by CDD before issuance of a building permit for the development. The entire rear yard shall be landscaped with Green Area Open Space as required in Section 5.28.2 unless it is demonstrated to the CDD at the time of the first occupancy for the building that permanent access to two parking spaces has been secured. In that case, two parking spaces shall be permitted, with the remainder of the yard landscaped as Green Area Open Space
5. 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 Permits were B. Shaw, P. Winters, H Russell, T. Carpenter, T. Anninger and S. Winters for the Waiver of Parking Special Permit and and B. Shaw, P. Winters, H Russell, T. Carpenter and S. Winter to permit the conversion to residential use, constituting at least the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,


Barbara Shaw, Chair

A copy of this decision #218 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 **October 3, 2006** 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:
City Clerk
City of Cambridge

Appendix I – Dimensional Form

Special Permit # 218

Address: 303 Cambridge Street

	Allowed/Required	Existing	Proposed	Granted
Total FAR				
Residential	1.75	1.26	1.26	1.26
Non-Residential	1.0	.66	.66	.66
Inclusionary Bonus				
Total GFA in Sq. Ft.				
Residential			3528	3528
Non-Residential		5376	1848	1848
Inclusionary Bonus				
Max. Height				
Range of heights	45	45	45	45
Lot Size	5000	2800	2800	2800
Lot area/du	600	933	933	933
Total Dwelling Units	8	3	2	2
Base units				
Inclusionary units				
Min. Lot Width	20	28	28	28
Min. Yard Setbacks				
Front	27/res	0	0	0
Side, Left	22/res	0	0	0
Side, Right	22/res	0	0	0
Rear	27/res	28	28	28
Total % Open Space	15%/806 SF	845		
Usable			486	486
Other				
Off Street Parking				
Min #	1 com/2 res	3	0	0
Max #				
Handicapped				
Bicycle Spaces				
Loading Bays				