

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number:	226
Address:	72 Hamilton Street
Zoning:	SD-10(H)
Applicant:	Peggy Morrissey c/o James J. Rafferty 130 Bishop Allen Drive Cambridge, MA 02139
Owner:	Mei Hau Lee a/k/a Lee Mei-Hau Chan Trustee of the Sixty-Six Hamilton Street Realty Trust 309 Huron Avenue Cambridge, MA 02138
Application Date:	January 25, 2007
Date of Planning Board Public Hearing:	February 20, 2007
Date of Planning Board Decision:	February 20, 2007
Date of Filing Planning Board Decision:	June 18, 2007
Application:	To convert an existing manufacturing warehouse to multi-family residential units under Section 5.28 – Conversion of Non-Residential Structure to Residential Use.
Decision:	GRANTED , with conditions

2007 JUN 18 P 3:18
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

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: Jeffrey C. Roberts

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

DOCUMENTS SUBMITTED

1. Special Permit Application dated January 25, 2007 submitted by James J. Rafferty, Attorney for the Applicant, including: Cover Sheet, Summary of Application, Project Narrative, Supporting Statement for a Special Permit, Ownership Certificate, Property Map, photographs of existing site (12 pages), area plan dated June 20, 1984, and Plan Drawings dated December 14, 2006 by Boyes-Watson Architects including: Proposed Site Plan, Existing Conditions Floor Plans (2 pages), Existing Conditions Elevations, Proposed Basement Floor Plan, Proposed First Floor Plan, Proposed Second Floor Plan, Proposed Third Floor Plan, Proposed Elevations (4 pages).
2. E-mail message from Stephen Hiserodt of Boyes-Watson Architects to Liza Paden, Planning Board Administrator, dated February 20, 2007 including updated dimensional information and described plan changes.
3. Revised Plans dated February 20, 2007 by Boyes-Watson Architects including: updated Dimensional Table, Assessors Block Map and Parcel Map, Existing Conditions Images (2 pages), Existing Site Topographic Plan, Proposed Site Plan (2 pages), Existing Conditions Floor Plans, Existing Conditions Elevations, Proposed Basement Floor Plan, Proposed First Floor Plan, Proposed Second Floor Plan, Proposed Third Floor Plan, Proposed Elevations (4 pages), Proposed View From Parking Lot – South (2 pages), Proposed View From Hamilton Street (2 pages).

FINDINGS

1. Conformance with General Special Permit Criteria in Section 10.43

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.

(a) The requirements of the Zoning Ordinance can be met.

Section 5.28.2 of the Zoning Ordinance provides that for the conversion of an existing non-residential structure to residential use, the limitations for FAR, setbacks, height and open space will be commensurate with the existing conditions on the site. The project as proposed will require a variance for the addition of Gross Floor Area on the third story of the building, which will be outside of the limits of the existing building, but will otherwise conform to the use and dimensional standards of Special District 10.

(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 not be more than the existing commercial building has generated in the past as a manufacturing use, and truck traffic will be reduced by the change in use. At-grade parking spaces will be accommodated in the same location as the current parking lot.

(c) The operation or development of adjacent uses will not be adversely affected.

The proposal abuts existing multifamily houses along with commercial uses, and is across the street from auto service uses. The proposed residential use will not adversely affect those adjacent uses. The elimination of truck loading operations typical of a manufacturing use will have a beneficial effect to the adjacent residential uses.

(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.

(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 transition from commercial use to residential is fully consistent with the intent of Special Zoning District 10, and the conversion of a commercial building to a residential use is consistent with the intent and purpose of Section 5.28.2, Conversion of Non-Residential Structures to Residential Use.

(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, as described below:

New projects should be responsive to the existing or anticipated pattern of development.

The proposed project will convert a commercial use to a residential use in a Special District that is adjacent to both a residential neighborhood and a commercial / light industrial area. The zoning anticipates that the uses within the Special District will change from commercial to residential gradually over time.

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

The exterior of the building will be improved to present a more appealing public face to the street and to abutting residential properties to the rear of the building. The project will make use of two existing entrances at the front of the building, and a new landscaped pathway along one side of the building will allow easy pedestrian and bicycle access to the parking area and entrance to the rear.

- (1) *The proposed development is consistent with the following goals and objectives:*
- *To encourage mixed use development compatible with the Cambridgeport residential neighborhood with housing uses strongly encouraged along Brookline Street and over to Sidney Street;*
 - *To promote street and sidewalk improvements to create a unified image and improve the physical and visual environment and tie the existing non-residential district to the existing residential neighborhood; and*
 - *To promote strong visual and pedestrian connections between the residential neighborhood and the MIT campus and the Charles River.*

The proposed project is consistent with these goals and objectives. The conversion of manufacturing use to housing is compatible with nearby uses and encouraged in the special district. Improvements to the façade and edges of the property will help to improve the physical and visual environment, especially to the rear where it abuts the residential neighborhood. The site of the proposed project will not impact views or connections between the neighborhood and the river.

(2) *The development is consistent with the provisions of the South Cambridgeport Development Guidelines*

The proposed development meets the stated objectives of the South Cambridgeport Design Guidelines in transforming the site to a residential use with an improved visual character, in keeping the height of the building at 35 feet, and in creating new landscaped open space within the context of the existing site.

(3) *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*

The existing building is not a National Register or contributing building; however it will be retained and sympathetically renovated, preserving its character while being adapted for residential use.

(4) *No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.*

The existing building is not a National Register or contributing building; however it will be retained and sympathetically renovated, preserving its character while being adapted for residential use.

3. Section 5.28.2, Conversion of Non Residential Structures to Residential Use

The Planning Board finds that the proposed project satisfies the requirements for conversion of a non-residential structure to residential use.

requirement to provide off-street parking for residents and minimum driveway access, and therefore finds that the requirements of 5.28.25 are satisfied.

5.28.26 Conforming Additions

A proposed third-floor addition will conform to the dimensional requirements of the base district with regard to height and setback and therefore is not subject to the provisions of Section 8.22 as it relates to additions to a non-conforming structure. However, a variance will be required for additional Gross Floor Area located in the new third floor, as that Gross Floor Area, while it is effectively being transferred from the basement of the building to the third floor, is not permitted under Section 5.28.21 because it will occur outside the limits of the existing structure.

5.28.27 Criteria for Approval of a Special Permit. The Planning Board shall consider the following:

- (1) The impact on 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 for abutters where significant variations from the normally required dimensional standards for the district are granted. In reviewing a proposed development plan, the Board shall consider, among other factors, the potential negative impacts of the new activity on abutters and the location, orientation, and use of structures and yards on adjacent properties.*

The rear yard of the proposed building abuts the rear yards of existing residences, and the existing residential buildings are approximately 80-90 feet away from the rear façade of the proposed building. The windows and the proposed new decks and balconies at the rear of the proposed building will not substantially impact neighbors' privacy. Moreover, considering that the rear portions of many of the abutting residences contain outdoor decks themselves, the Board finds that the proposed decks and balconies will appropriately complement the existing development pattern. A new fence with decorative plantings will improve the condition along the rear property line and better screen the at-grade parking area, which will remain where it currently exists. The building conforms to the rear yard requirement of Special District 10.

- (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. In reaching a determination, the Board may require an analysis of on-street parking utilization on streets in the vicinity of the proposed development to consider available capacity relative to the demand generated by the proposed development. The scope and methodology of such an analysis shall be determined in consultation with City staff. Following its consideration of the results of the analysis, the Board may require changes to the project.*

The proposed project will create 11 dwelling units compared to the maximum of 6 dwelling units permitted by the base district zoning regulations. Eleven off-street

A copy of this decision #226 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 06/18/2007 (date),

by *My C. Robert* (Signature, CDD staff person) 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

ADAMS & RAFFERTY

ATTORNEYS AT LAW
A Professional Association*

130 Bishop Allen Drive
Cambridge, MA 02139

James J. Rafferty, P.C.
jr Rafferty@adamsrafferty.com

Telephone (617) 492-4100
Fax (617) 492-3131

Kathleen E. Lombardi
klombardi@adamsrafferty.com

May 15, 2007

Liza Paden
Cambridge Planning Board
344 Broadway
Cambridge, MA 02139

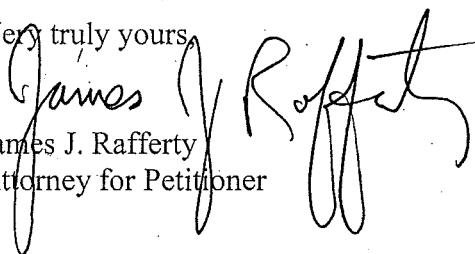
Re: PB Case No 226
72 Hamilton Street

Dear Ms Paden:

Please accept this correspondence as an assent by the petitioner in the above-captioned case to extend the time required for a decision to be issued by the Planning Board.

Thank you for your attention to this matter.

Very truly yours,


James J. Rafferty
Attorney for Petitioner

c.c: Margaret Morrissey

Appendix I: Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	11,172	5,000 minimum	11,172	No Change
Total GFA (sq ft)	14,777	Limited by 5.28.21*	15,343**	Consistent with applicable base zoning requirements and application documents
			15,343**	
			-	
Total FAR	1.32	Limited by 5.28.21*	1.37	Consistent with applicable base zoning requirements and application documents
			1.37	
			-	
Residential	1.32	Limited by 5.28.21*	1.37	Consistent with applicable base zoning requirements and application documents
Non-Residential	-	-	-	
Lot Area / Dwelling Unit (sq ft)	Not app.	Limited by 5.28.22*	1,016	1,016
Total Dwelling Units	-	Limited by 5.28.22*	11	11
Inclusionary Units	-	1	1	1
Lot Width (ft)	115	50 minimum	115	No Change
Height (ft)	35	35 maximum	35	35
Front Setback, Floors 1-2 (ft)	1.79	1.79 (by 5.28.23)	1.79	Consistent with applicable base zoning requirements and application documents
Front Setback, Floor 3 (ft)	Not app.	10	10	
L. Side Setback, Floors 1-2 (ft)	11.5	11.5 (by 5.28.23)	11.5	
L. Side Setback, Floor 3 (ft)	Not app.	12.8	12.8	
R. Side Setback, Floors 1-2 (ft)	1.39	1.39 (by 5.28.23)	1.39	
R. Side Setback, Floor 3 (ft)	Not app.	12.8	12.8	
Rear Setback, Floors 1-3 (ft)	49.2	22.25	39.75	
Open Space Area (% of lot)	-	36 %	28 % ***	Consistent with application plans and documents
Useable	-	36 %	28 % ***	
Other	-	-	-	
Off-Street Parking Spaces	11	11 minimum	11	11
Handicapped	-	-	-	-
Bicycle Spaces	-	-	-	-
Loading Bays	-	-	-	-

* 5.28.21 allows an unlimited amount of Gross Floor Area but only within the extents of the existing building. 5.28.22 allows a number of dwelling units equal to the amount of Gross Floor Area permissible under 5.28.21 divided by 900 square feet.

** The proposed plans include 11,098 square feet of Gross Floor Area permissible under Section 5.28.21. A variance will be required to permit additional Gross Floor Area outside the extents of the existing building.

*** The Board finds that the proposed amount and configuration of useable open space fulfills the requirements of 5.28.25.

parking spaces will be maintained on the site, providing one off-street parking space for each new dwelling unit. Given the auto-oriented character of existing commercial uses on the street, and considering the reduction in truck traffic that will result from the change in use from light industrial to residential, the Board finds that the 5 dwelling units permitted above the base zoning limitations will not have a substantial adverse impact on the existing traffic and parking patterns.

DECISION

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

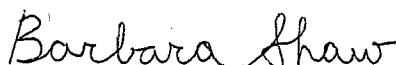
1. All use, building construction and site plan development shall be in substantial conformance with the plans and application documents submitted to the Planning Board as referenced above, with the most recent version dated February 20, 2007. Appendix I summarizes the dimensional features of the Project 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 Permit.

In undertaking its review, CDD shall determine that any exterior heating and cooling mechanical equipment is designed and located so as to minimize acoustic and visual impact on residents of neighboring properties.

3. The rear of the parking area, within about two feet of the rear lot line, shall be surfaced in a permeable material such that climbing vines and other appropriate vegetation can be planted along the rear fence line to provide screening and additional greenery on the lot.
4. 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 Planning Board Members B. Shaw, H. Russell, T. Anninger, W. Tibbs, S. Winter and P. Winters, and Associate Member A. Finlayson (appointed by the Chair to act on this Application), constituting at least two thirds of the members of the Planning Board necessary to grant a Special Permit.

For the Planning Board,

 (JCR)

Barbara Shaw, Chair

5.28.21 Gross Floor Area.

The existing building contains 14,777 square feet of Gross Floor Area. No additional Gross Floor Area will be created within the limits of the existing structure. About 3,679 square feet of additional Gross Floor Area is proposed to be added to the third story of the building, and about 566 square feet of additional Gross Floor Area will be created at the ground level under proposed second-floor overhangs and decks. The resulting increases will require a variance from the Board of Zoning Appeal because they will occur outside of the limits of the existing building. The project as proposed will also convert about 3,679 square feet of basement floor area from Gross Floor Area, as defined by the Zoning Ordinance, to uninhabitable non-GFA floor area. This will be achieved by establishing a lower ceiling height and reserving the space only for storage and mechanical equipment, since those basement spaces cannot be made suitable for residential use.

5.28.22 Dwelling Units

A maximum of one dwelling unit will be allowed for every 900 square feet of Gross Floor Area permitted under 5.28.21. Since the proposed project will use 11,098 square feet of Gross Floor Area within the existing limits of the building (subtracting the Gross Floor Area that will be converted to unlivable storage and mechanical space), a maximum of 12 units would be allowed. The proposal is for 11 units.

5.28.23 Yard Requirements

At the ground level, the proposed front and side yard setbacks will be the same as for the existing structure. The rear yard setback will be reduced from 49.2 feet to 39.75 feet on account of the addition of balconies, patios, and semi-depressed courtyards at the rear of the building, but will remain less than the formula-derived yard setback requirement of 22.25 feet in the base district. New Gross Floor Area on the third floor of the building will be consistent with the setback requirements of the base district.

5.28.24 Maximum Height

The addition of Gross Floor Area on the third story will bring the overall height of the building to 35 feet, which is the maximum height permitted in the base zoning district.

5.28.25 Useable Open Space Requirements

The proposed project will add useable open space at the building's southeast face that will include a landscaped pedestrian/bicycle pathway, and useable open space will also be added to the building in the form of decks, balconies and patios. The ratio of useable open space (as defined in 5.28.25) to lot area will be about 28% while the required minimum in the base district is 36%. There is no useable open space on the lot under existing conditions. The Board finds that the project as proposed maximizes the amount of useable open space that can be reasonably provided without substantially altering the existing building and given the

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

Mechanical equipment will be selected and organized to minimize noise impacts on neighboring residents. The parking area will be screened from abutting properties to the rear with a new fence and climbing plant material. Moreover, the elimination of frequent truck loading operations at the rear of the building will benefit neighbors to the rear of the property.

Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.

The proposed change in use of this existing building will not have an adverse impact on City infrastructure services.

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

The proposed project is a conversion of an existing structure. The proposed third floor addition is compatible with the existing building and with the surrounding built environment.

Expansion of the inventory of housing in the city is encouraged.

The proposed project will add 11 new residential units to the city's housing stock.

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

While there is currently no useable open space on the site, the proposed project will replace an existing driveway with a new landscaped area to one side of the building, and will create new decks, balconies and patios for use by residents.

2. Section 17.107, Standards for Issuance of Special Permits in Special District 10

In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings: