



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number:	397
Address:	2161 Massachusetts Avenue
Zoning:	Business A-2 (small portion in Residence B); Massachusetts Avenue Overlay District
Applicant:	Nelson Group Companies C/O 907 Massachusetts Avenue, Suite 300, Cambridge, MA 02139
Owner:	ND Development LLC P.O. Box 35006, Boston, MA
Application Date:	May 09, 2023
Date of Planning Board Public Hearing:	June 6, 2023; August 22, 2023
Date of Planning Board Decision:	August 22, 2023
Date of Filing Planning Board Decision:	October 24, 2023

Application: Special permits for additional FAR for a lot containing a historic structure in BA-2 District in Massachusetts Avenue Overlay District (Section 20.110.6.2) and modification of required setbacks for on grade open parking facilities (Section 6.44.1(g)) to relocate the existing building and construct a new addition to develop a mixed-use building with 9,786 square feet Gross Floor Area including 8 dwelling units, ground floor office space, and 7 off-street 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 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: Swaathi Joseph

For further information concerning this decision, please contact Swaathi Joseph at 617-349-4668, or sjoseph@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application dated November 2022, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative, Community Outreach Summary, and plan set titled 2161 MASSACHUSETTS AVE, prepared by Nelson Group Companies, Khalsa Design INC, Verdant, and Adam & Rafferty., dated 03/27/2023.
2. Presentation slides shown to the Planning Board on 6/6/2023.
3. Revised Proposal submitted on 7/25/2023, containing responses to the comments from the Planning Board and plan set titled 2161 MASSACHUSETTS AVE, prepared by Nelson Group Companies, Khalsa Design INC, Verdant, and Adam & Rafferty., dated 7/11/2023.
4. Presentation slides shown to the Planning Board on 8/22/2023.

City of Cambridge Documents

5. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 6/1/2023.
6. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 8/16/2023.
7. Letter to the Planning Board from Department of Public Works (DPW), dated 05/31/2023.
8. Letter to the Planning Board from the Cambridge Historical Commission, undated.

Other Documents

9. Notice of Extension of Time to October 31, 2023, dated 8/22/2023.

APPLICATION SUMMARY

The proposal involves relocation of the existing building and construction of a new addition to develop a mixed-use building with 8 dwelling units, ground floor office space and 7 off-street parking spaces. The final gross floor area would be 9,786 square feet.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Special Permit for additional FAR for a lot containing a historic structure in BA-2 District in Massachusetts Avenue Overlay District (Section 20.110.6.2)

Because the proposal includes relocation of the existing historic structure and construction of a new addition to develop a mixed-use building in the BA-2 District, the following provisions of the zoning ordinance apply.

The Planning Board may grant a special permit to increase the allowed FAR in the BA-2 Districts, but not to exceed 1.75, for any combination of permitted uses upon finding that the increased FAR would:

- (a) facilitate the preservation of the historic structure through economic reuse,*
- (b) preserve the essential historically significant elements of the structure's architecture and setting,*
- (c) introduce uses that are respectful of the structure's historic character, and*
- (d) advance the stated purpose of the Massachusetts Avenue Overlay District and the purpose of the standards applicable in the BA-2 Districts.*

The proposed relocation of the existing structure and three-story addition will preserve the building's historical architectural elements in an economically viable way. The proposed residential use with ground floor office space is consistent with the original use of the historic structure. The project adheres to the stated purpose of the Massachusetts Avenue Overlay District by preserving the historically significant structure while adding to the mixed-use character of the Mass Ave corridor.

2. Special Permit to allow for modification of required setbacks for on grade open parking facilities (Section 6.44.1(g))

The Board of Zoning Appeal may grant a special permit to allow for modifications of the requirements in 6.44.1 (a) or (b) if site specific factors favor such modifications.

- a) *6.44.1 (a) No on grade open parking space shall be located within ten (10) feet of that portion of a building wall containing windows of habitable or occupiable rooms at basement or first story. However, on grade open parking spaces serving one, two, or three family dwellings may be located within five (5) feet of that portion of such building wall.*
- b) *6.44.1 (b) Except for one, two, or three family dwellings existing at the time of the effective date of this Ordinance or amendment thereto, no on grade open parking space or driveway shall be located within five (5) feet of any side or rear property line.*

The proposed parking area does not conform to the requirements of Sections 6.44.1 (a) and (b) as it abuts both a portion of the building containing windows on the first floor and the lot line. Although there is no parking required for the project, the Planning Board acknowledges the desire to provide off-street parking spaces at this location to minimize impacts on on-street parking in the neighborhood. There is no viable way to provide the proposed parking without further risk to the existing historic structure.

The proposal mitigates the potential impact of the adjacent parking area on the first-floor unit by shifting the bedroom windows to the Milton St. side of the building. The only windows facing the parking area are located in the kitchen and living area, which minimizes potential light trespass into the residential unit.

3. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. 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 because:

- (a) It appears that requirements of this Ordinance cannot or will not be met, or ...*

Upon granting the requested special permits, the requirements of the Zoning Ordinance will be met.

- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...*

No changes to patterns of access or egress are anticipated that would cause substantial adverse impact as a result of the addition of 8 residential units and ground floor office space.

- (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...*

The proposed development is consistent with the zoning requirements for the district and will not adversely impact the operation or development of adjacent 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, or ...*

The proposed development will not cause nuisance or hazard and will be conducted in accordance with all applicable health and safety requirements.

- (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...*

The proposed uses are fully consistent with the anticipated character of the district as established through the City's planning and zoning.

- (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.*

The proposal is generally consistent with Citywide Urban Design Objectives by adding to the inventory of housing in the city, preserving an historic structure, mitigating impacts on City infrastructure and adjacent uses, and adding to the established pattern of active ground floor uses along Mass Ave.

DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents and other supporting materials submitted to the Planning Board, except as modified by the additional Conditions of this Special Permit Decision. The project plans hereby approved by the Planning Board are the plan set titled 2161 MASSACHUSETTS AVE, prepared by Nelson Group Companies, Khalsa Design INC, Verdant, and Adam & Rafferty., dated 7/11//2023. Appendix I summarizes the dimensional features of the project as approved.
2. This Special Permit shall be contingent on the project receiving variances from the Board of Zoning Appeal, if determined applicable, from dimensional requirements related to the proposed off-street surface parking area to which the project does not otherwise conform.
3. The project shall be subject to continuing design review by the Community Development Department (“CDD”). Before the issuance of a 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 Decision. As part of CDD’s administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.
4. The Permittee shall address the following comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD (and others’, where specified below) review and approval of the final design details prior to issuance of a Building Permit:
 - a. All exterior materials, details, and colors by CDD and Cambridge Historical Commission staff, where applicable, including a material wall mock-up on site prior to any exterior materials being ordered. The proposed addition’s façade and roof color shall resemble the lighter gray color shown in the Applicant’s presentation at the August 22, 2023 Planning Board Meeting.
 - b. All work associated with the existing building’s proposed relocation by CDD staff and the Cambridge Historical Commission.
 - c. Review of sitework, including layout, paving materials, and plantings.
 - d. Review of any exterior lighting.
 - e. Review of screening for mechanical and electrical equipment.
 - f. Review of the potential for an additional street tree on Mass Ave.
 - g. Review of the curb cut.
 - h. Review of bicycle parking.

5. At the time of the building permit submission for the Project, the Applicant shall provide confirmation to the Department of Public Works (DPW) that the building permit plans are in conformance with the submitted Tree Plan and/or the current Tree Ordinance. All plantings proposed in the public right-of-way shall be in accordance with the Tree Planting Standards and the Urban Forestry Master Plan, subject to approval by DPW.
6. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

Voting in the affirmative to grant the requested Special Permits were Planning Board Members Louis Bacci, Jr., Ashley Tan, Catherine Preston Connolly, Mary Flynn, Hugh Russell, and Tom Sieniewicz, constituting at least two thirds of the members of the Board.

For the Planning Board,

A handwritten signature in cursive script that reads "Mary Flynn".

Mary Flynn, Chair

A copy of this decision PB-397 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 has been filed on October 24, 2023 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:
_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	7,513	7,513	7,513	No Change
Lot Width (ft)	69'	50'	69'	No Change
Total GFA (sq ft)	7,986 sf	12,473 sf	9,786 sf	
Residential Base	0	12,075	7,272	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	7,986	398	2,514	
Inclusionary Bonus	N/A	N/A	N/A	
Total FAR	1.06	1.0/1.75	1.30	Consistent with Application Documents and applicable zoning requirements
Residential Base	0	1.75	0.96	
Non-Residential Base	1.06	1.0	0.33	
Inclusionary Bonus	N/A	N/A	N/A	
Total Dwelling Units	0	11	8	Consistent with Application Documents and applicable zoning requirements
Base Units	0	11	8	
Inclusionary Bonus Units	N/A	N/A	N/A	
Base Lot Area / Unit (sq ft)	N/A	600 sf	862 sf	
Total Lot Area / Unit (sq ft)	N/A	600 sf	862 sf	
Height (ft)	-	45'	29.5'	Consistent with Application Documents and applicable zoning requirements
Front Setback(Mass Ave)	27.75'	5'	5'	
Side Setback (Mass Ave)	20.33'	10'	10'	
Side Setback (Milton St)	10.08'	10'	40'	
Front Setback (Milton St)	10.25'	20'	5'	
Open Space (% of Lot Area)	N/A	None	596 sf	Consistent with Application Documents and applicable zoning requirements
Private Open Space		None	7.3%	
Permeable Open Space		None	43.6%	
Off-Street Parking Spaces	0	0	7	Consistent with Application Documents and applicable zoning requirements
Long-Term Bicycle Parking	0	8	9	
Short-Term Bicycle Parking	0	0	4	
Loading Bays	0	0	0	