

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No.: #93
Premises: Two Holyoke Place
Zoning District: Residence C-1/Harvard Square Overlay District
Owner: Trustees for the Benefit of the Fly Club
Application Date: May 9, 1991
Date of Public Hearing: June 4, 1991

Petition: Special Permit for renovation of the basement of an existing building, and addition of 5,444 square feet of floor area in order to conduct a retail business in the Residence C-1 District as permitted in the Harvard Square Overlay District, Section 11.54.3.

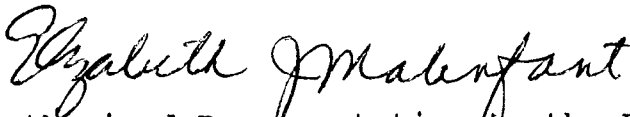
Date of Planning Board Decision: June 4, 1991

Date of filing the Decision: July 24, 1991

Decision (summary): DENIED

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 date of 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 Community Development and the City Clerk.


Authorized Representative to the Planning Board

7/24/91

Date

Case No.: #93
Premises: Two Holyoke Place
Zoning District: Residence C-1/Harvard Square Overlay District
Owner: Trustees for the Benefit of the Fly Club
Application Date: May 9, 1991
Date of Public Hearing: June 4, 1991
Petition: Special Permit for renovation of the basement of an existing building, addition of 5,444 square feet of floor area and to conduct a retail business in the Residence C-1 District as permitted in the Harvard Square Overlay District.
Date of Planning Board Decision: June 4, 1991
Date of filing the Decision: July 24, 1991
Decision (summary): DENIED

Application

Documents Submitted

1. Special Permit Application dated March 5, 1991, with a Board of Zoning Appeal application for a variance to reduce the required parking, retail use in a residence district and expand the existing basement.
2. Site plan, elevations, and cross sections showing the proposed development.

Other Documents Submitted

1. Draft Harvard Square Advisory Committee report dated May 23, 1991.

Public Hearing

A public hearing was held June 4, 1991. Attorney Lawrence Frisoli, representing the petitioners, outlined the proposal which involves excavation and renovation of portions of the basement of the existing club building and construction of an extension to that basement into the rear garden space. The newly created space would then be rented to one or more retail tenants to help defray the costs of maintenance of the club facility.

The existing club operation loses \$40,000 a year which is made up currently by contributions from alumni. Planning Board member Cohn indicated that the requirement of the permit that no significant new construction be involved appeared to be impossible to meet. Mr. Frisoli suggested that "significant" might be interpreted to mean significant visually or significant as in proportion to other retail activity in the vicinity. Member Russell found it impossible to assess the appropriateness of the retail activity without knowing the specifics of the tenant(s) to occupy the space.

On those two critical conditions it was the consensus of the Board that the necessary findings could not be made that would permit the granting of the permit; therefore the permit request should be denied and applicant instructed to seek the variances necessary to authorize the proposal.

No one spoke in favor or in opposition to the proposal.

Findings

1. It is proposed to construct an additional 5,444 square feet of gross floor area on the lot at Two Holyoke Place. Approximately 1,770 square feet of new area will be reconfigured or renovated basement space in the structure now existing on the lot. The remaining space, ca. 3,674 square feet, is new construction attached to that existing structure in the form of a semibasement facility.
2. The new construction will take place in an area of the lot currently landscaped in the manner of a garden. The new construction will replace that green area with a slightly elevated (ca. five feet) paved plaza.
3. The space newly created is intended to be used by a compatible retail use which will financially assist in the maintenance of the existing club building and use.
4. The proposal's objectives parallel the intent of Section 11.54.3 of the Harvard Square Overlay District, which section is intended to allow retail use in nonretail districts by special permit from the Planning Board provided certain conditions are met.
 - a. The retail use will be partially in a structure constructed before June 1, 1985 (the existing structure was constructed in 1896.)
 - b. The retail use(s) is intended to assist in the preservation and maintenance of the existing club house which is a contributing building within the Harvard

Square National Register District, by providing increased income for that maintenance.

- c. While the specific uses have not been identified, the character of those mentioned as typical of retail tenants being sought suggests that these retail uses could operate such that pedestrians would be a significant source of customers visiting the site.
 - d. Neither a dormitory or residential use will be displaced, nor will the use be any one of the several which are specifically prohibited in paragraph k of Section 11.54.3. (eg. restaurants, bars, etc.)
 - e. The Residence C-1 District within which the site is located is neither a Residence C-2B nor an Office 2 District where Section 11.54.3 does not apply.
5. Nevertheless on several key counts the proposal fails to meet the basic conditions required to permit the granting of the special permit.
- a. The proposal does include substantial new construction. Section 11.54.3 was developed to permit limited retail uses in existing buildings to help carry financially the costs of upkeep of the club and other historic structures that characterize the district. The provision was adopted neither to encourage the development of a retail district nor to encourage new construction not conforming to the basic use requirements of the district. As proposed, more of the retail use will be located in new construction than in reused portions of the existing structure (and to make that construction possible a variance from the floor area limitations of the district will be necessary). Furthermore, while the new construction will be in the form of a basement, portions of the building will be above ground and will be conspicuous.
 - b. The scale of the proposed retail use is such that it is likely that its impact will be significantly different from the uses (institutional and residential) which are otherwise permitted in the district. The existing structures in the district are relatively small and the regulation, while it in fact does not set a limit to conversion to retail use in those structures, undoubtedly did not anticipate that whole buildings would be converted to retail use. Rather, as has been the experience to date, reuse of small spaces as in basements was anticipated. Combined with the substantial new construction planned, the 5,400 square feet of retail use proposed in this application is at a

scale where the character of the district is potentially altered and the impact of the retail activity, visually and otherwise, is potentially different than that which would be produced by the permitted uses in the district.

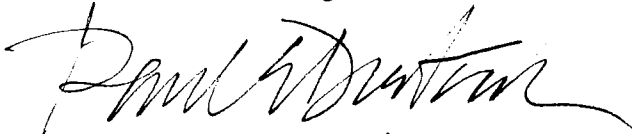
- c. As the specific use to occupy the space is not now known, it cannot be stated that the use cannot be located in the existing business district or that its special character is such that it contributes to the variety, continuity or uniqueness of the Harvard Square Overlay District. Indeed, the clothing store uses suggested by the petitioner are commonly found in the existing business district.
6. On balance, while the proposal has some characteristics in common with several of the required conditions and findings of Section 11.54.3, it does not conform to the principal requirements of the Section: the prohibition against substantial new construction and the limit on the scale of the proposed retail use and its resulting impact.

Decision

Based on the above findings the Planning Board DENIES the request for a Special Permit for retail use in a Residential District, Section 11.54.3 as the Board cannot make the findings of fact necessary to permit the granting of the special permit.

Voting to deny the Permit were: P. Dietrich, H. Russell, A. Cohn, D. Kennedy, and C. Mieth.

For the Planning Board,



Paul Dietrich, Chairman

A copy of this decision shall be filed with the Office of the City Clerk. Appeals is any shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws and shall be filed within twenty (20) days of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the decision filed with the Office of the City Clerk on July 24, 1991, by Elizabeth J. Malenfant, authorized representative of the Cambridge Planning Board. All plans referenced in the decision have likewise been filed with the City Clerk on such date.

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

City Clerk, City of Cambridge

Date