

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB #177
Address: 853 Main Street
Zoning: Business B/Central Square Overlay District
Owners: Frank Mastromauro for FMCM, LLC., 853 Main Street,
Cambridge, Mass, 02139
Applicants: As in Owner above.
Application Date: July 16, 2002
Public Hearing: August 6, 2002
Planning Board Decision: August 6, 2002
Date of Filing Decision: August 28, 2002

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CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Application: Reduction in setback requirements in the Residence C-1A District,
Section 5.31, Footnote I.

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.

Case No: PB #177
Address: 823 Main Street
Zoning: Business B/Central Square Overlay District
Owners: Frank Mastromauro for FMCM, LLC., 853 Main Street,
Cambridge, Mass, 02139
Applicants: As in Owner above.
Application Date: July 16, 2002
Public Hearing: August 6, 2002
Planning Board Decision: August 6, 2002
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Documents Submitted

1. Special Permit Application certified complete and filed with the City Clerk on July 16, 2002 containing the project description; dimensional form; plans, elevations, and floor plans and photos of existing; ownership certificate; application fee.
2. Plans entitled "La Groceria Ristorante Interior Renovations"; dated June 4, 2002; by R.E. Dinneen Architects and Planners, Inc.; scale 1/4" = 1'; including elevations and floor plans of the basement and three floors of the building.

Other Documents Submitted

1. Memo to the Planning Board from Elaine Thorne dated July 30, 2002 outlining the views of the Central Square Advisory Committee.
2. Letter to the Planning Board from Rita Yard dated August 1, 2002 indicating support of the project from the Zion Pentecostal Tabernacle Church.

Findings

After review of the application documents, testimony taken at the public hearing, and review and consideration of the Footnote 1 and the general special permit criteria, the Board makes the following findings.

1. Conformance to 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 this special permit 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 creation of six housing units in existing space now accommodating office and restaurant uses will not cause congestion or hazard and will not change the established character of the neighborhood. Central Square has a significant inventory of commercial buildings with residential uses above. The Central Square Overlay District and Action Plan encourage such a mix of uses. There will not be an increase in parking spaces provided and it is likely that the traffic generated by the residents of the housing units will be less than that generated by patrons to the portions of the restaurant that will be replaced.

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 activities reflect a similar mix of uses including housing, office, other residential and institutional activities. The proposed residential units will reinforce that desirable variety of activity.

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.

The residential use will create no nuisance or hazard.

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 proposed use is consistent with intent of the Business B District and the Central Square Overlay District to create a lively mixed use environment in which residential living is an important component. The new residential units will not impair the integrity of those districts or the Residence C-1 district that adjoins it.

6. Conformance to the standards and criteria for the issuance of a special permit for Conversion of Non-Residential Structures to Residential Use, Section 5.28.2.

a. Non-residential Structure.

The building is used as a restaurant on the first and second floors and office use on the third floor. This use pattern has been in place for thirty years. While there was residential use of the upper floors prior to 1970 the actual use of the upper stories at the time of construction is not clearly known. It is the Board finding that for the purposes of Section 5.28.2 this is structure built for non-residential use. The structure as designed and built and existing today conforms only to the current non-residential dimensional provisions of the Business B district.

b. GFA, Dwelling Unit Count and Building Height.

The structure and the proposed number of dwelling units conform to the requirements or limitations of both the Business B District and the Central Square Overlay District.

c. Yard Requirements.

There is no proposed change in the yards provided (none exist). Therefore the Planning Board finds that the existing yards provided on the lot (zero on all sides) shall apply to the proposed residential use and no additional yards need be provided for that new use.

d. New Construction.

There will be no construction beyond the limits of the existing building.

e. Open Space Requirements.

There is no usable open space on the site and none is proposed to be provided. The existing building occupies the entire lot. Provision of open space cannot reasonably be expected to be provided given the existing development of the lot. Therefore the Planning Board finds that a complete waiver of the usable open space requirements for residential use is reasonable.

f. New Construction.

There will be no construction beyond the limits of the existing building.

g. Impact on Residential Neighbors.

As there will be no significant change to the exterior or the building or of its fenestration and as there will be no construction of decks on the roofs of the building, the Board finds that there will not be negative impact on the privacy of any nearby residential neighbors.

g. Impact of Increased Dwelling Units.

There will not be an increase in the number of dwelling units above that otherwise permitted on this lot in the Business B district.

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 relief subject to the following conditions and limitations:

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 and the plans dated June 4, 2002. Appendix I summarizes the dimensional features of the Project as approved.
2. The Community Development Department (CDD) shall certify to the Superintendent of Buildings that the final plans submitted to secure a Building Permit are consistent with and meet all conditions of this Decision.
3. The permittee is urged to review the arrangement and screening of mechanical equipment on the roof of the two-story portion of the building and to make reasonable efforts to minimize its amount and visibility or to array it on the roof in an attractive and ordered manner. In undertaking the certification required in Condition #2 above, the CDD shall review the efforts to the permittee to address this concern of the Planning Board.

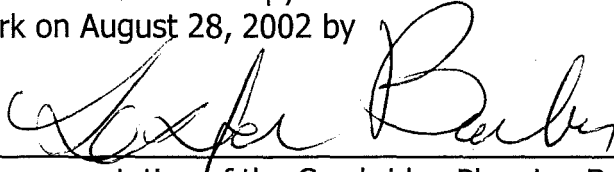
Voting in the affirmative to **GRANT** the Special Permits were T. Anninger, W. Tibbs, B. Shaw, P. Winters and L. Stanley, appointed to sit on the Board in place of an absent Planning Board member, constituting at least the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,


Thomas Anninger, Chair

A copy of this decision #177 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 August 28, 2002 by



(Lester Barber),
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