

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139.

Notice of Decision

Case No: #190 Major Amendment #1
Address: 317 – 325 Fresh Pond Parkway
Applicant: Eli Al-Lakkis, 343 Fresh Pond Parkway, Cambridge, 02138
Owner: EMJR Properties, 325 Fresh Pond Parkway, Cambridge, MA 02138
Zoning District: Business A/Parkway Overlay District
Date of Application: August 18, 2003
Date of Public Hearing: September 2, 2003
Date of Planning Board Decision: October 21, 2003
Date of Filing Decision: November 14, 2003
Date of Major Amendment #1 Public Hearing: May 2, 2006
Date of Major Amendment #1 Decision: May 2, 2006
Date of Filing Major Amendment #1: May 10, 2006

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OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Application: Major Amendment to grant the original Special Permit to allow a 5,508 square foot auto repair garage. This application is to waive the development standards in the Parkway Overlay District (Section 20.63.7) including landscaping standards for on grade open parking (Section 20.66.3); and special permits to allow an automotive repair garage use in the Business A district (Section 4.37h), relief from the minimum number of parking spaces for the automotive repair use (Section 6.35), and relief from the setbacks for on grade open parking facilities (Section 6.44.1b). The Major Amendment #1 is intended to reauthorize the Special Permit granted in October 2003.

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@cambridgema.gov.

Documents Submitted

1. Copy of Special Permit application certified as complete on August 18, 2003, containing an explanation of the application, Dimensional Form, Ownership Certificate, site plans, site photos, building plans and elevations dated 8/4/03.
2. Copy of Special Permit plans dated 8/15/03, sheets 1 – 5, various scales, showing existing conditions, demolition and preparation plans, utility, grading and drainage plan, layout, materials, planting and lighting plan, and details.
3. Updated Special Permit Application for Major Amendment #1 submitted on 4/28/06.

Findings

After review of the application documents and testimony at the public hearing the Planning Board makes the following findings:

1. Conformance with the general criteria for the issuance of special permits contained in Section 10.43 of the Zoning Ordinance

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

With the granting of this Major Amendment, the Zoning Ordinance requirements will be met.

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

There are no changes from the first set of findings. Every effort has been made to design the access to this site as well as the egress from the abutting gas station to ensure orderly access and egress. Signage will be installed to direct customers into and off of the two sites. A bollard has been installed in the driveway to control the flow of cars from the auto repair site and to protect the landscaping that is an important feature of the site and the Parkway right of way. This site has been an auto repair garage in the past and this proposal does not result in a substantial change in the character of the Parkway.

- 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*

There are no changes from the first set of findings. The abutting use is a gas station that currently accommodates the auto repair use that will be relocated to this site. The other uses in the area will not be negatively impacted: a one story restaurant building sits on the common property line with the subject property and the Tobin School to the rear where parking and driveways immediately abut the auto repair site.

- 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*

All safety, health and environmental regulations will be addressed in the operation of the auto repair garage. The garage will operate with the doors closed except for accessing the garage.

- 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*

This finding continues to hold true. This auto repair garage will provide valuable services to the city residents in an area that has traditionally had such uses. The site will be visually improved in a manner consistent with the objectives of the Overlay District. The proposed development is an example of how other auto-related uses along the Parkway could be accommodated in a manner that reinforces the objectives of the Overlay District.

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

This is not a new use, and the building design has and will continue to undergo design review by the Community Development staff to ensure that the Parkway characteristics are enhanced.

2. Conformance with the criteria for waiver of the dimensional standards of the Parkway Overlay district, Section 20.63.7.

The Board may waive the dimensional standards upon a determination that the development proposed will better serve the objectives of the Parkway Overlay District than if the standards were observed and that the criteria of Section 10.43 are met.

Section 20.66.3 – Landscaping in open parking lots. Significant landscaping will be provided in that portion of the site between the building and the Parkway and along a grassy strip separating this site from the adjacent gas station. The lot is small enough and the parking is sufficiently limited that these landscape elements will serve to address the objectives of Section 20.66.3 – landscaping within on-grade parking facilities.

3. Conformance with the criteria for reduction in the required parking, Section 6.35.1.

The Planning Board shall consider the following when making its determination with regard to a request for a reduction in the required parking.

- a. *Availability of surplus on-street parking.* There is no on street parking in the vicinity and all parking demand must be met on lots in the vicinity of the facility. The repair

operation will be conducted in conjunction with the adjacent gas station also operated by the petitioner; employees will use parking on that adjacent site for any demand not met on the repair facility site.

b. Availability of public or commercial parking facilities. There are no public or commercial parking facilities in the vicinity.

c. Shared use of available parking. There will be no shared use within the meaning of this provision (i.e. uses that have peak demand at different times of the day). As indicated above the adjacent gas station site will be operated jointly with this facility and some employee parking will be provided on that site.

d. Age or occupancy restrictions. This provision typically applies when residential units are constructed, which is not the case here.

e. Impact on the physical environment of the lot if required parking is provided. Providing the required parking would likely result in a significant loss of the landscaped area now being provided on the lot. While the size of the repair program proposed on the lot could be reduced to allow more accessory parking, the result would further diminish the presence of an already small building fronting on the Parkway and an increase in surface parking, which in itself is not a visual asset along the Parkway. Furthermore, the applicant indicates that a further reduction in the size of the proposed operation would be difficult to sustain economically. It is the Board's view that the proposed reduction in parking is modest in scale, can be sustained through the joint operation of this site and the adjacent gas station, and results in a better site plan than would be the case if all required accessory parking were provided.

4. Conformance with the criteria for relief from setbacks for on grade parking, Section 6.44.1 (b) and (g).

The Planning Board may grant such a modification if specific site factors favor such a modification.

A substantial portion of this relatively narrow site is devoted to the 25 foot landscaped front yard along the Parkway. That significant public amenity, a principal requirement of the Parkway Overlay District, better serves the public interest than would a narrow five-foot setback provided at the rear of the site. The parking, without the setback, will be adequately screened from adjacent properties with an opaque fence.

Decision


Based on review of the application documents, testimony presented at the public hearing and based on the findings set forth above, the Planning Board **GRANTS** the Major Amendment to the Special Permit to waive the development standards in the Parkway Overlay District, to grant relief from the landscaping standards for the on-grade open parking, to allow the automotive repair garage use, to grant relief from the minimum

number of parking spaces required, and to grant relief from the setbacks for on-grade open parking facilities. The following conditions continue to be part of the Special Permit :

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 and as modified by this Decision.
2. The Permittee shall install and maintain the landscaping as required in the Special Permit #109 for the abutting gas station site (343 Fresh Pond Parkway) before the issuance of the Certificate for the Occupancy of the auto repair garage.
3. The Community Development Department staff shall review final elevations and site plan details and shall approve the final design of the landscaping and the building, including the materials to be used on the building. The Community Development Department shall certify to the Superintendent of Buildings that the plans submitted for a Building Permit are consistent with the conditions of this Special Permit.
4. All repairs shall be done inside the building and the building doors shall be closed except to permit entry and exit of vehicles.
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 to GRANT the special permit were H. Russell, B. Shaw, P. Winters, T. Carpenter, J. Molinsky, T. Anninger and A. Finlayson associate member appointed by the chair to act on this case, constituting at least two thirds of the membership of the Board.

For the Planning Board,


Barbara Shaw, Chair

A copy of this decision Major Amendment #1 to Special Permit #190 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 May 10, 2006, by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

Twenty (20) days have elapsed since the filing of the decision.

No appeal has been filed.