



CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

**NOTICE OF DECISION**

Permit No: #203  
Address: 120 Rindge Avenue/45-47 Yerxa Road  
Applicant/Owner: One Twenty Cambridge Realty Trust.  
c/o James Rafferty, Adams and Rafferty, 187  
Concord Avenue, Cambridge, MA 02138  
Zoning District: Residence B  
Application Date: November 4, 2004  
Public Hearing: November 23, 2004  
Planning Board Decision: January 4, 2005  
Date of Filing Decision: February 18, 2005

Application: Special Permit to convert nonresidential buildings to 48 units of multi-family residential use, Section 5.28.2. Also will require a Board of Zoning Appeals dimensional variance to allow a 3,776 square foot addition.

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 with the City Clerk and the Community Development Department, 344 Broadway, Cambridge, MA 02139

Authorized Representative to the Planning Board

For more information regarding this special permit, please contact Liza Paden at the Community Development Department, 344 Broadway, Cambridge, 617 349 4647, TTY 617 349 4621, or [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).

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RECORDS & COMMUNICATIONS

### Application Documents

Special Permit application including Ownership Certificate: Project Narrative: drawings titled "120 Rindge Avenue & 45-47 Yerxa Road, Conversion of Non-Residential Structures to Residential Use", dated August 31, 2004, Area Map, site photos, survey, Parcel Block Map, Project Site Plan, Rindge Avenue Site Sections, Rindge Avenue building elevations, Yerxa Road plans and Yerxa Road site sections, and Yerxa Road elevations. Certified complete on November 4, 2004.

### Other Documents Submitted

1. Email from Paul Ayers, dated 11/8/04.
2. North Cambridge Neighborhood Group responses, dated 11/18/04.
3. North Cambridge Neighborhood Group responses, dated 11/23/04.
4. Letter to the Planning Board from Joseph Arangio, et al. dated 11/23/04.
5. Updated plans dated 11/23/04.
6. Updated plans dated 12/21/04.
7. North Cambridge Neighborhood Group responses, dated 1/4/05.
8. Unit breakout for apartment types, from David Schatzle, no date.

### Findings

Based on its review of the application documents, supplemental materials, and other documents submitted to the Board, testimony taken at the public hearing and submitted in written form to the Board, and the review and consideration of the relevant special permit criteria, the Planning Board makes the following findings:

#### **I. Conformance to the Criteria for Approval of a Special Permit for Conversion of a Nonresidential Structure to a Residential Use - Sections 5.28.25 and 5.28.27 (1) and (2)**

a. The impact on residential neighbors of the new housing uses 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 of abutters where significant variations from the normally required dimensional standards for the district are granted.

The existing buildings have setbacks greater than, and in several cases much greater than, are required in the Residence B District. Those setbacks provide reasonable setbacks

from the existing residential neighbors: there is no undue negative impact on their privacy or light. The addition proposed to one building, for which a variance is required, will occur within the center of the site, well away from the perimeter property lines of the lot and will have no uniquely different impact on abutters than is the case of the existing structures. The new rooftop decks to be created will be set in the middle of the building, well away from its edges. Therefore, their visibility to residents in the existing neighborhood will be quite limited, and the potential intrusion onto the privacy of those existing neighbors by the new residents who may use those decks will be equally limited.

**b. 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.**

While the number of units to be constructed exceeds that allowed in the base Residence B district by more than fifty percent, the additional amount of parking to be provided on the site (at a ratio of nearly 1.5 spaces per unit) will allow for the permit the increased density without significant, negative impact on existing residents in the neighborhood and the availability of on-street parking.

**c. The amount of open space may be reduced if the Board finds that full compliance cannot reasonably be expected given existing development on the lot and the provision of parking.**

The open space on the site has been increased and is adequate, with the large amount of green area at Rindge Avenue at the entrance to the site as well as open space abutting the buildings and at critical locations as the periphery of the site. At this location, well removed from substantial public transit, the additional parking provided is valued more than the additional green area that might be created if the number of parking spaces were reduced. It is anticipated that considerable additional green area may be created in the future if the third building on the site, currently used for nonresidential purposes, is converted to housing and some of the parking spaces dedicated to that use is made available for open space.

## **II. Conformance to General Special Permit Criteria - Section 10.43**

A special permit will normally be granted where specific provisions of this Ordinance are met, except when the 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. The requirements of the Zoning Ordinance can not be met.**

With the issuance of this special permit the project will meet the requirements of the Zoning Ordinance except that additional FAR proposed in the application and approved as part of the project by the Planning Board shall require the issuance of a variance from the Board of Zoning Appeal.

- (i) The Gross Floor Area of the existing buildings is permitted by Section 5.28.2. Additional Gross Floor Area to be constructed outside the confines of the existing building shall require the granting of a variance from the Board of Zoning Appeal.
- (ii) Dwelling Units permitted exceed the one unit per 900 square feet of building area.
- (iii) The height of the buildings, a maximum of 37 feet, will remain unchanged and are permitted by Section 5.28.2.
- (iv) The yards will remain the unchanged and conform to the Residence B requirements.
- (v) The Open Space on the site will be expanded and enhanced and a tree protection plan, while not required, will be developed.
- (vi) The multifamily use is permitted in Section 5.28.2.
- (vii) Parking requirement will be met.

**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 be in keeping with the existing patterns and volume generated by residential uses already in the neighborhood. The traffic access and egress patterns into and out of the site have been reviewed by the Traffic, Parking and Transportation Department and found to be adequate and acceptable.

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

The existing building will not change the neighborhood character. Their conversion to residential use will result in the eliminated of nonresidential activities on the site.

**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 as a result of the introduction of residential uses onto the site or the increase in the number of units above that permitted in the Residence B district. The use of this site will be similar to the use of property on nearby streets in the neighborhood

**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 creation of housing on a site like this is consistent with the intent of the Zoning Ordinance with the creation of Section 5.28.2, which encourages the reuse of existing nonresidential buildings for housing in residential areas.

**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.

(i) Section 19.31: *New project should be responsive to the existing or the anticipated pattern of development.*

The new project is residential, which matches the existing abutting uses. It also is contained within the existing building except for a small addition of Gross Floor Area being requested from the BZA.

(ii) Section 19.32: *Development should be pedestrian and bicycle-friendly, with positive relationship to its surroundings.*

Existing pedestrian walkways will remain throughout the site, allowing access abutting streets and to existing public transportation routes. Adequate and secure bicycle storage will be part of the site development.

(iii) Section 19.33: *The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.*

The proposal has addressed the limited impacts on the abutting neighbors through the use of fencing, additional landscaping and other site improvements. The existing parking will provide more than adequate parking for the new residents to the site. Mechanical equipment will be located in the center of the roofs of the existing buildings, farthest from the neighbors.

(iv) Section 19.34: *The project should not overburden the city infrastructure services, including neighborhood roads, city water supply system and sewer system.*

The Permittee has met with the Department of Public Works and is found to comply with that Department's requirements.

(v) Section 19.35: *New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.*

The new construction is limited to a small infill addition that is to be reviewed by the Board of Zoning Appeal. The Planning Board has reviewed the proposal and finds that it will blend with the existing building design. The project mostly

consists of the conversion of institutional buildings long a part of the neighborhood to housing.

(vi) Section 19.36: *Expansion of the inventory of housing in the city is encouraged.*

Two of the three buildings on the site will be converted to residential uses.

(vii) Section 19.37: *Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.*

While the Open Space requirement will not be met for the Residence B district, the quantity of open space will be increased and its quality will be improved; a tree protection plan will be submitted for review.

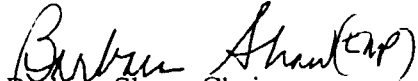
### Decision

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 and waives the required Open Space Requirements conversion of the two nonresidential buildings to 48 units of housing, subject to the following conditions and limitations:

1. All use, building construction and site plan development shall be in substantial conformance with the updated plans and application documents submitted to the Planning Board as reference above, dated December 21, 2004. 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, the 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.
3. The applicant shall make good faith effort to ensure the success of the landscaping with adequate soil and irrigation around the site's periphery. The applicant will also submit for Community Development Department review and approval (1) a Tree Protection Plan as would be required in the newly adopted Tree Protection Ordinance and (2) a detailed landscaping plan showing the location, size and type of landscaping to be installed, before issuance of the first building permit for the project.
4. The applicant shall comply with the City of Cambridge Affordable Housing requirements, Section 11.200.
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 in the Affirmative to GRANT the Special Permit were B. Shaw, H. Russell, P. Winters, T. Anninger, L. Brown, and W. Tibbs, constituting at least two thirds of the members of the Planning Board necessary to grant a Special Permit.

For the Planning Board

  
Barbara Shaw, Chair

A copy of this decision, #203 shall be filed with 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 February 18, 2005 by Elizabeth M. Paden, 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:

**Appendix I – Dimensional Form**

**Special Permit # 203                      Address: 120 Rindge Avenue/45-47 Yerxa Road**

	Allowed/Required	Existing	Proposed	Granted
<b>Total FAR</b>				
Residential	.5/.35		.49	.49
Non-Residential		.64	.18	.18
Inclusionary Bonus				
<b>Total GFA in Sq. Ft.</b>				
Residential			52,889 SF *	52,889 SF *
Non-Residential		64,468 SF	18,303 SF	18,303 SF
Inclusionary Bonus				
<b>Max. Height</b>		37 ft	No changes	No changes
Range of heights		35 – 37 ft		
<b>Lot Size</b>	5,000 SF	100,068 SF	No changes	No changes
<b>Lot area/du</b>				
<b>Total Dwelling Units</b>				
Base units	51	0	42	42
Inclusionary units	8		6	6
<b>Min. Lot Width</b>	50 ft	113 feet	No change	No change
<b>Min. Yard Setbacks</b>				
Front	15 feet	113 feet	No change	No change
Side, Left				
Side, Right				
Rear	25 feet	30 feet	No change	No change
<b>Total % Open Space</b>	40%	29%	No change	No change
Usable				
Other				
<b>Off Street Parking</b>				
Min #		110		
Max #				
Handicapped				
<b>Bicycle Spaces</b>		0	24	24
<b>Loading Bays</b>				

\* 6,724 SF subject to Board of Zoning Appeal approval (addition plus roofdecks).