



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

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OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## NOTICE OF DECISION

Case Number:	219
Address:	77-79 Hurley Street
Zoning:	Residence C-1
Applicant:	Jonathan Leavitt 39 Brighton Ave, Boston, MA 02134
Owner:	Mary E. Bruno and Anthony Bruno 77 Hurley Street, Cambridge, MA 02141
Application Date:	September 22, 2006
Date of Planning Board Public Hearing:	October 17, 2006
Date of Planning Board Decision:	October 17, 2006
Date of Filing Planning Board Decision:	November 21, 2006
Application:	Section 5.28 – Conversion of non-residential structure to residential use.
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: Jeffrey C. Roberts

For further information concerning this decision, please contact Liza Paden at 617 349 4647, or [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).

## DOCUMENTS SUBMITTED

1. Special Permit Application submitted by the Applicant on 09/22/2006, including: Cover Sheet; Summary of Application; Appendix I: Dimensional Form; Ownership Certificate.
2. Existing Conditions Survey by Anderson Surveys, Inc. dated 09/15/2006.
3. Plan documents dated 10/06/2006 by H.P. Rovinelli Architects including: EX1.1 Existing First Floor Plan; EX1.2 Existing Second Floor Plan; EX2.1 Existing Elevations; EX2.2 Existing Elevations; A1.0 Site Plan; A1.1 First Floor Plan; A1.2 Second Floor Plan; A2.1 Proposed Elevations.
4. Photographs of existing site submitted by the Applicant (no date).

## FINDINGS

1. Conformance with General Special Permit Criteria in Section 10.43

*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.*

- (a) The requirements of the Zoning Ordinance can be met.*

With the granting of this special permit, the requirements of the Zoning Ordinance will be met. Section 5.28.2 of the Zoning Ordinance provides that for the conversion of an existing non-residential structure to residential use, the limitations for FAR, setbacks, height and open space will be commensurate with the existing conditions on the site.

- (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 less than the existing commercial buildings have generated in the past as light industrial and auto-repair facilities. Parking will occur in the same location as the current parking lot.

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

The proposal abuts existing single-family, two-family, and multifamily houses, and is across the street from a public open space. The proposed residential use will be compatible with those adjacent uses, and will displace incompatible light industrial and auto-repair uses.

*(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. Noise and other effects related to the operation of a car repair facility will be eliminated. Exterior mechanical systems that may produce noise will be located away from abutters, appropriately screened, or otherwise designed not to generate disruptive noise to neighboring residents.

*(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 conversion from commercial use to residential is consistent with the intent of the Residence C-1 zoning district and with the intent and purpose of Section 5.28.2, Conversion of Non Residential Structures to Residential Use.

*(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, as described below:

*New projects should be responsive to the existing or anticipated pattern of development.*

The proposed project will convert a non-conforming commercial use to a residential use in a residential district.

*Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.*

The exterior of the building will be improved to present a more appealing public face to the abutting streets. The ground floor will consist of residential uses, with entrances leading to an interior courtyard that will accommodate pedestrians and bicycles.

*The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.*

Mechanical equipment will be selected and organized to minimize noise impacts on neighboring residents.

*Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.*

The proposed change in use of this existing building will not have an adverse impact on existing City infrastructure.

*New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.*

Not applicable; the proposed project is a conversion of an existing structure.

*Expansion of the inventory of housing in the city is encouraged.*

The proposed conversion will increase Cambridge's housing stock by nine units.

*Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.*

The proposed project is a conversion of an existing structure that utilizes almost its entire lot. However, new open space will be created in the form of an internal courtyard with a planted area.

## 2. Section 5.28.2, Conversion of Non Residential Structures to Residential Use

The Planning Board finds that the proposed project satisfies the requirements for conversion of a non residential structure to residential use.

### *5.28.21 Gross Floor Area.*

The maximum allowed Gross Floor Area is that of the existing building, which is provided as 11,650 square feet. No additional Gross Floor Area will be created within the limits of the existing structure or outside the limits of the existing structure, and moreover the total amount of Gross Floor Area on the lot will be reduced. A total of 9,764 square feet of residential Gross Floor Area will remain on the lot after the conversion.

### *5.28.22 Dwelling Units*

The maximum allowed number of dwelling units is the number produced when the amount of Gross Floor Area in the structure is divided by 900 square feet, which is ten. A total of nine residential units will be created.

### *5.28.23 Yard Requirements*

The existing building has no yard setbacks, and no exterior wall will be moved. Therefore, no yard setbacks are required for the proposed project.

### *5.28.24 Maximum Height*

The maximum allowed height in the Residence C-1 district is 35 feet, which is greater than the height of the existing building, which is 28 feet. The proposed project will not increase the height of buildings on the lot.

#### *5.28.25 Useable Open Space Requirements*

The existing lot contains no Useable Open Space as defined in the Zoning Ordinance. The proposed project will create about 235 square feet of Useable Open Space in the form of an interior courtyard, consisting of walkways and planted areas. The remainder of the lot that is not occupied by a structure will be dedicated to providing the required number of conforming surface parking spaces for the residential units. No exterior decks are proposed or approved. Any proposal to add decks in the future will require Planning Board approval.

#### *5.28.26 Conforming Additions*

There will be no additions to the existing structure.

*5.28.27 Criteria for Approval of a Special Permit. The Planning Board shall consider the following:*

*(1) The impact on residential neighbors of the new housing use 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 for abutters where significant variations from the normally required dimensional standards for the district are granted. In reviewing a proposed development plan, the Board shall consider, among other factors, the potential negative impacts of the new activity on abutters and the location, orientation, and use of structures and yards on adjacent properties.*

The proposed project will use only existing window openings; no new windows will be created where openings do not exist on the existing structure. No decks will be created in the proposed project. The conversion of the existing building will provide a reasonable level of privacy for its inhabitants as well as for neighbors.

*(2) 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. In reaching a determination, the Board may require an analysis of on-street parking utilization on streets in the vicinity of the proposed development to consider available capacity relative to the demand generated by the proposed development. The scope and methodology of such an analysis shall be determined in consultation with City staff. Following its consideration of the results of the analysis, the Board may require changes to the project.*

The permitted number of dwelling units for the proposed development is nine, and under the regulations of the Residence C-1 district prior to employing Section 5.28.2, a maximum of six dwelling units would be allowed on the lot. One off-street parking space is provided for each of the nine proposed units. The additional dwelling units will not have a significant impact on the current on-street parking in the area. In addition, by eliminating the garage entryways to the existing auto-repair and light industrial buildings, the project will result in a net increase in the capacity for on-street parking.

## DECISION

Based on a review of the application documents, comments made at the public hearing, and the above findings, the Planning Board **GRANTS** the requested Special Permit subject to the following conditions and limitations:

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 dated October 6, 2006. 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, 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. Any exterior heating and cooling mechanical equipment shall be designed and located so as to minimize acoustic and visual impact on residents of neighboring properties. This will be accomplished by using through-the-wall condensing equipment for ground floor units discharging to open areas internal to the project, or by placing condenser units and related HVAC equipment on the rooftop of the two-story section of the building shielded with a parapet, or by locating equipment on the rooftop of the single-story section of the building as far away from the neighboring residential parcels as possible. Any rooftop equipment shall be specified to meet decibel levels lower than existing ambient noise. The Applicant shall present a mechanicals plan for review by CDD staff, detailing the location and specifications of all exterior mechanical equipment and including a noise impact analysis certified by an acoustical engineer.
4. The lot line adjacent to the parking area will include a decorative fence, trellis, and plantings if possible, to screen the parking area from the neighboring lot. CDD staff will approve the design of the parking area and fencing.

Voting in the Affirmative to GRANT the Special Permit were Planning Board Members B. Shaw, H. Russell, T. Anninger, T. Carpenter, W. Tibbs, S. Winter and P. Winters, constituting at least two thirds of the members of the Planning Board necessary to grant a Special Permit.

For the Planning Board,

*Barbara Shaw* (JCR)

Barbara Shaw, Chair

A copy of this decision #219 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 November 21, 2006, by Jeffrey C. Roberts, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

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

DATE:

City Clerk of Cambridge

## Appendix I: Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	9,764	5,000	9,764	9,764
Total GFA (sq ft)	11,650	7,323 *	9,784	9,784
Residential	-	7,323 *	9,784	9,784
Non-Residential	11,650	-	-	-
Total FAR	1.19	0.75 *	1.00	1.00
Residential	-	0.75 *	1.00	1.00
Non-Residential	1.19	-	-	-
Inclusionary	Not app.	Not app.	Not app.	Not app.
Lot Area / Dwelling Unit (sq ft)	-	1,500 *	1,085	1,085
Total Dwelling Units	-	6 *	9	9
Lot Width (ft)	148; 102	50	148; 102	148; 102
Height (ft)	28	35 *	28	28
Yard Setbacks (ft)				
Front (Hurley)	0	46 *	0	0
Front (Lopez)	0	34 *	0	0
Side, right	0	23 *	0	0
Rear	0	26 *	0	0
Total Open Space Area (sq ft)	0	2,929 *	235	235
Useable	0	2,929 *	235	235
Other	0	-	-	-
Off-Street Parking Spaces	6	9 (minimum)	9	9
Handicapped	-	-	-	-
Bicycle Spaces	-	-	-	-
Loading Bays	-	-	-	-

\* According to the provisions of Section 5.28.2, Conversion of Non Residential Structures to Residential Use, upon the granting of a Special Permit by the Planning Board, the allowed Gross Floor Area is unlimited for all new floor area created within the physical limits of the existing structure. The number of dwelling units is limited to either the number allowed under normal regulations, or the amount of Gross Floor Area in the building divided by 900 square feet, whichever number is greater. The allowable height, yard setbacks, and useable open space are limited to the existing conditions on the site where they do not conform to normal zoning requirements.