

NOTICE OF DECISION

Case No: 239 Major Amendment #1

Address: 2419 Massachusetts Avenue

Zoning: Business A2 (BA2)

Owner: Oaktree Acorn, LLC 129 Mount Auburn Street, Cambridge, MA

Applicant: Oaktree Acorn, LLC 129 Mount Auburn Street, Cambridge, MA

Application Date: July 8, 2009

Public Hearing: August 18, 2009

Planning Board Decision: September 22, 2009

Date of Filing Decision: October 26, 2009

Date of Major Amendment Public Hearing: February 16, 2010

Date of Major Amendment Decision: February 16, 2010

Date of Filing Major Amendment: March 17, 2010

Application: Major Amendment to incorporate approximately 3,000 square feet of additional gross floor area granted by the Board of Zoning Appeal Case No: 9859.

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 contact Liza Paden at 617 349 4647 or lpaden@cambridgema.gov.

APPLICATION MATERIALS SUBMITTED

Special Permit Major Amendment application dated January 19, 2010, containing Cover Sheet, Drawings of the Site Plan, Garage, First Floor, Second Floor, Third Floor, Fourth Floor and Roof Plans, PB-8 – PB-12, Exterior Elevations and PB-13 Building Sections.

Memo to Liza Paden, CDD staff, from Jeff Hirsch, Urban Spaces, dated January 27, 2010, outlining the uses and locations of the additional footage.

Revised Special Permit Major Amendment application dated, February 5, 2010, containing Cover Sheet, Drawings of the Site Plan, Garage, First Floor, Second Floor, Third Floor, Fourth Floor and Roof Plans, PB-8 – PB-12, Exterior Elevations and PB-13 Building Sections.

PROJECT APPLICATION AND SUMMARY

On February 16, 2010, Paul Ognibene and Jeff Hirsch of Urban Spaces and Phil Terzis of Oak Tree Development and Green Line Design, presented the new plans incorporating the additional gross floor area resulting from the Board of Zoning Appeal variance that approved the subdivision of the original lot. As required in the original Planning Board Special Permit, the applicants requested use of the additional square footage available as a result of the subdivision for a fitness room, elevator lobby and stair on the Garage level, bay windows and bump outs on the first, second, third and fourth floors with additional roof deck and balconies on the fourth floor. Each façade and elevation was discussed and reviewed by the Planning Board.

FINDINGS

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

The Planning Board finds that there is no significant change to the basic building approved in the original Special Permit filed on October 26, 2009. These changes presented in this Major Amendment the plans dated January 19, 2010 and revised on February 5, 2010, are merely refinements of the original design and incorporate effectively the additional gross floor area as a result of BZA 9859.

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 Project Review Special Permit, subject to the following conditions and limitations:

1. All uses, building construction and site plan development shall be in substantial conformance with the plans and application documents approved and filed on October 26, 2009.

2. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of the 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. All authorized development shall conform to the requirements of the City of Cambridge Noise Control Ordinance, Chapter 8.16 of the City Municipal Code.
4. Before issuance of a Building Permit for construction authorized by this Special Permit, the Permittee shall prepare a Construction Management Plan consistent with the requirements of Section 18.20 of the Zoning Ordinance, which Plan shall be submitted to the Community Development Department for review and approval.
5. The mitigation recommendations of the Traffic, Parking and Transportation Department, as outlined in the letter to the Planning Board from Susan Clippinger dated August 18, 2009 shall be implemented by the Permittee as a condition of this Permit.

Voting in the Affirmative to **GRANT** the Major Amendment to the Special Permit were Planning Board Members W. Tibbs, P. Winters, T. Anninger, H. Russell, S. Winter, and P. Singer, and C. Studen, Associate member appointed by the Chair, constituting at least two thirds of the members of the Planning Board, necessary to grant a Special Permit.

For the Planning Board,

Hugh Russell, Chair

A copy of this Major Amendment to decision #239 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 March 17, 2010, 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.

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

DATE:

City Clerk of Cambridge

Appendix I – Dimensional Form

Special Permit # 239 Major Amendment #1

Address: 2419 Massachusetts Avenue

	Allowed/Required	Existing	Proposed	Granted
Total FAR	2.27			1.92
Residential	1.75	N/A	1.75	1.75
Non-Residential	1.0			
Inclusionary Bonus	.52		.17	.17
Total GFA in Sq. Ft.	59,143	22,520	49,993	49,993
Residential	45,495	0		45,498
Non-Residential		22,520		
Inclusionary Bonus	13,648			4,498
Max. Height	45 ft. above grade	18 ft. above grade	45 ft. above grade	45 ft. above grade
Range of heights				
Lot Size	None	25,997 s.f.	25,997 s.f.	25,997 s.f.
Lot area/du	600 s.f. / lot area	N/A	703 s.f. / lot area	703 s.f. / lot area
Total Dwelling Units	55	0	37	37
Base units	43 + 6 bonus	0	29 + 4 bonus	29 + 4 bonus
Inclusionary units	6	0	4	4
Min. Lot Width	None	N/A	N/A	N/A
Min. Yard Setbacks				
Front	5	0	5	5
Side, Left	10	0	10	10
Side, Right	10	0	10	10
Rear	20	0	20	20
Total % Open Space	None	13% open	49% open	49% open
Usable				
Other				
Off Street Parking				
Min #	1 per d.u.	N/A	38	38
Max #				
Handicapped	2		2	2
Bicycle Spaces	1 per 2 d.u.	N/A	19	19
Loading Bays	N/A	1	0	0