

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
2010 APR 13 P 1:30

NOTICE OF DECISION

Case Number:	245
Address:	545 Cambridge Street
Zoning:	Business A
Applicant:	Marc Resnick
Owner:	Stuart Rothman, Trustee of Stu-Lin Family Trust
Application Date:	February 4, 2010
Date of Planning Board Public Hearing:	March 2, 2010
Date of Planning Board Decision:	March 2, 2010
Date of Filing Planning Board Decision:	April 13, 2010

Application: **Special Permit (Section 5.28.2) to convert the second and third floors of a nonresidential structure to 4 units of housing and to waive the parking requirement (Section 6.35.1).**

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:

For further information concerning this decision, please contact Liza Paden at 617 349 4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

1. Special Permit Application Documents submitted by the Applicant dated February 4, 2010, including: Cover Sheet, Summary of Application, Narrative, Dimensional Form, existing conditions photographs (inside and out), Supporting Statement for Special Permit, Ownership Certificate, and site plans, second and third floor plans, exterior elevations, dated 1/27/10.
2. Proposed Renovation Plan by O'Sullivan Architects, INC, dated 2/10/10, showing the proposed location of bicycle parking inside the building.
3. Site plan of the proposal, dated 2/4/2010, showing the single story and three story portions of the site.

FINDINGS

After review of the application documents, other documents submitted to the Board, testimony taken at the public hearing, and review of the special permit criteria, the Board makes the following findings and affirms the January 16, 2007 decision.

1. Conformance with 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 these special permits 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 change from the office use to four residential units will result in a decrease of traffic. There is no vehicular access or egress currently to the building from Cambridge Street. The site is within a 10-minute walk to the Lechmere MBTA Station and is on the #69 Bus route to Harvard and Lechmere Squares.

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 uses are similar to this proposal, with ground floor retail uses and residential uses on the upper floors. This will be a continuation of a common land use pattern in this neighborhood.

d. Nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City.

No nuisance or hazard will be created.

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 intent of the Zoning Ordinance generally is to encourage a variety of residential unit types. This proposal will advance that objective by creating four very large housing units.

2. Criteria for Approval of a Special Permit for conversion from nonresidential to residential use, Section 5.28.27

a. The impact of 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 of abutter where significant variations from the normally required dimensional standards for the district are granted.

The proposal will maintain the window and door openings currently in use in the building; no new exterior elements are to be added.

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.

The addition of four residential units will not negatively impact the abutting commercial uses on Cambridge Street. The site is located on a bus route that connects with Harvard Square and Lechmere Square and within walking distance to the Lechmere Green Line T stop. The building is also within walking distance of the Twin City Mall and many shops and services along Cambridge Street. The number of units proposed is less than half that allowed in the BA district.

3. Considerations for Approval of a Special Permit for conversion a reduction in Required Parking, Section 6.35.1

It is not physically possible to create conforming parking spaces on the site. The Planning Board finds it appropriate to grant a waiver of the required four parking spaces in service to the general City objective to provide new dwelling units within the city's mixed use shopping districts.

a. Availability of off-street parking or proximity to an MBTA station

The location is within 7 blocks of an MBTA train station that serves not only the trolley but also many bus routes and is on a bus line serving Lechmere and Harvard Squares.

b. Availability of commercial or public parking.

There is resident on-street parking.

c. Shared off-street parking.

There is no off street parking associated with this building. The applicant may pursue the possibility of parking in the alley off of Seventh Street as a BZA variance request.

d. Age or occupancy restrictions.

There will be no such restrictions.

e. Impact of parking on the physical environment.

No parking is currently provided on the lot.

f. Provision of affordable housing.

No affordable housing will be provided.

Decision

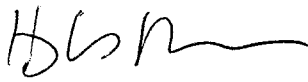
Based on a review of the application documents, comments made at the public hearing, written and other information submitted to the Board and based on the above findings, the Planning Board **GRANTS** the requested Special Permit relief to (1) waive the parking and loading requirements for the new residential units, and (2) to allow the conversion of a nonresidential building to residential use.

1. All uses, 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, dated January 27, 2010. 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 a Building Permit for construction authorized by this Special Permit, 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 Decision.
3. The proponent will work with the Traffic, Parking and Transportation Department and the CDD staff to study the potential of locating parking spaces within the alley space off of Seventh Street to determine the possibility of meeting some of the parking requirement for the residential units.

4. 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 Planning Board Members T. Anninger, T. Cohen, H. Russell, P. Singer, 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,



High Russell, Chair

A copy of this decision #245 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 April 13, 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 Chart

	Existing	Allowed or Required	Proposed	Granted
Lot Area (sq ft)	5935	5935	5935	5935
Lot Width (ft)	91	50	91	91
Total FAR	1.92		1.92	1.92 (total FAR) 1.11 (res FAR) .81 (non res FAR)
Residential	0	1.75	1.11	
Non-Residential	1.92	1.0	.81	
Inclusionary				
Total GFA (sq ft)	11,379		11,379	11,379 (total) 4,784 (res.) 6,595 (non-res)
Residential	0	10,386	4,784	
Non-Residential	11,379	5,935	6,595	
Lot Area per Dwelling Unit	0	600	1,483	1,483 sq ft 4 units
Total Dwelling Units	0	9	4	
Base Units	0			
Inclusionary Units	0			
All Setbacks (ft) Front Side, Left Side, Right Rear	0 – 15'		No change	No change
Total Open Space (% of lot area)	N/A	10%	< 1%	< 1%
Permeable	N/A	N/A	No change	
Other	N/A	N/A	No change	
Off-Street Parking Spaces	0	4	0	0 parking spaces 2 bicycle spaces
Handicapped Parking Spaces	N/A		0	
Bicycle Spaces	N/A	2	2	
Loading Bays				