



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 No:	249
Address:	126 Charles Street
Zoning:	Residence C-1
Applicant:	126 Charles Street, LLC
Owner:	1 st Charles Street, LLC, c/o Glanz Properties, Inc., 1018 Beacon St., Brookline MA 02446
Application Date:	April 23, 2010
Date of Planning Board Public Hearing:	June 1, 2010
Date of Planning Board Decision:	June 15, 2010
Date of Filing Planning Board Decision:	August 4, 2010
Application:	Special Permit in Section 5.28.2 to convert a nonresidential (office) building to 8 units of housing.
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

Special Permit application, summary of application, project narrative, supporting statement, dimensional form, and ownership certificate. Plans by Ruhl Walker Architects, dated 3/24/10 containing 4 elevations, photos of existing elevations, site plan and roof plan and floor plans for 4 floors.

Revised plans by David Neilson, no date, submitted for 6/1/10 Planning Board hearing, titled, *Renovation Plan v.3.2* retains existing window openings, first floor and site plan, second floor, and north elevations both existing and proposed.

Revised plans by David Neilson, dated 6/14/10, initialed by EMP 6/15/10, approved at the Planning Board deliberation meeting of 6/15/10.

Letter to the Planning Board from Barbara Broussard, East Cambridge Planning Team, dated 6/13/10.

Letter to the Planning Board from Councilor Timothy Toomey, Jr., dated 6/15/10.

Letter to the Planning Board dated 7/27/10, from James J. Rafferty, on behalf of the applicant with revised first floor plan dated 6/14/10 and site plan, elevations and floor plans dated 7/22/10, Sheets A-100-103.

FINDINGS

After review of the application documents and other documents submitted to the Board, testimony taken at the public hearing, and review and consideration of the Special Permit Application Documents and revised documents dated 6/14/10 and 7/22/10, signed and dated at the 8/3/10 meeting, and the general special permit criteria, the Board makes the following findings.

1. Consistency with the Criteria of 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:

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

With the granting of this Special Permit, the Ordinance requirements will be met.

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

The driveway location will remain the same as for the office use. The abutting neighborhood is mixed residential and commercial use and it is expected that the creation of 8 dwelling units will not negatively impact the existing traffic patterns on Charles Street or the abutting streets.

- *The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affect by the nature of the proposed use, or*

The abutting residential uses will be enhanced by the buffer of landscaping trees proposed in the existing parking area. The abutting parking lot is used by the utility company and no changes to that operation are expected.

- *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*

No nuisance or hazard was found to be created in the conversion of the office use to 8 residential uses.

- *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*

The intent of Section 5.28.2 is to encourage the conversion of existing structures to residential uses especially in residential districts and when they abut residential uses in non-residential districts. This conversion will continue the residential uses currently along this block of Charles Street.

- *The new use or building construction is consistent with the Urban Design Objectives set forth in Section 10.30.*

See below.

** The new use or building construction is consistent with the Urban Design Objectives of Section 19.30*

- *19.31: New project should be responsive to the existing or the anticipated pattern of development.*

The conversion of the office building to residential use in the Residence C-1 district meets the intent of the district which already has a significant component of housing at this location.

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

The development will replace two existing parking spaces with landscaping and bicycle racks. A walkway will be created along the side of the existing parking lot to create safe pedestrian access to the front door.

- *19.33: The building and site design should mitigate adverse environmental impact of a development upon its neighbors.*

The site design locates the walkway away from the existing residential use at 122 Charles Street. No new shadows will be created for the abutting uses. The reuse of an existing building lessens the environmental impacts of demolishing and constructing a new building in its place.

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

The replacement of an office use with 8 dwelling units is not found to overburden the city infrastructure.

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

The conversion of office use to residential along Charles Street will reinforce the residential character of the street.

- *19.36: Expansion of the inventory of housing in the city is encouraged.*

This development will create 8 dwelling units.

- *19; 37: Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.*

The proposal adds a landscaping buffer for the ground floor units and plants trees as a buffer from the abutting commercial lot.

2. Consistency with the Criteria for Issuance of the Special Permit as set forth in Sections 5.28.27(1) and (2)

- *The impact on residential neighbors of the new housing uses as it may affect privacy. The location and size of window, screening elements, decks, entries, and other aspects for the design shall be reviewed to maintain reasonable levels for privacy of abutters where significant variation from the normally required dimensional standards for the district are granted.*

The Planning Board finds that the existing building has been used as an office since the granting of a Board of Zoning Appeal use variance. The existing building is on the rear and side lot lines of the property and sets back 61 feet from the front lot line and behind the

existing 12 space parking lot. The conversion plans does not change the existing window openings: it neither creates new ones nor closes existing ones. The southeasterly building wall does not directly abut the residential building at 122 Charles Street. The walkway to the building will be placed along the fence abutting the commercial parking lot at 205 Bent Street and not underneath the windows of 122 Charles Street. In response to requests from the abutters at 122 Charles Street, a buffer of trees will be planted along the walkway to further screen the commercial parking lot. Within the parking lot, space has been set aside for landscaping in front of the building, along with bicycle parking and two trees to provide screening for the 2 ground floor units.

- *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 building parking lot currently contains 12 parking spaces, 2 of which will be converted to provide space for a landscaping buffer for the ground floor dwelling units and bicycle racks. The remaining 10 spaces will exceed the requirement of one parking space for each unit.

This building is within walking distance to the Red Line and the Green Line and it is reasonable to assume that some residents will not own a car preferring to use public transportation.

3. Consistence with the Criteria in Section 5.28.25 – Waiver of Open Space Requirements

- *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 Planning Board finds that the open space requirement cannot be met given the past development history of the site and waives the requirement upon its determination of the adequacy of the landscape improvements provided based on the building layout on the lot, the lack of building setback on the rear and two sides, and conversion of two parking spaces to landscaping and bicycle racks that currently do not exist on the site. The proposed landscaping and tree planting along the walkway will improve the overall open space on this lot.

4. Consistency with other Section 5.28.2 Requirements

- All of the Gross Floor Area will be within the limits of the existing structure.
- The number of dwelling units is 965 square feet, meeting the requirement of Section 5.28.2.
- No increase in the height of the existing building is proposed.

- The existing setbacks of the building are maintained.
- The portions of the site that are not used for parking, including two parking spaces to be converted to open space, will be Green Area Open Space.

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 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 March 24, 2010 as revised and initialed on August 3, 2010. Appendix 1 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) and before issuance of a 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.

Voting to GRANT the Special Permit were, H. Russell, T. Anninger, W. Tibbs, P. Winters, T. Singer and S. Winter constituting two-third of the members of the Planning Board necessary to grant a Special Permit.

For the Planning Board,



Hugh Russell, Chair

A copy of this decision 249 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 August 4, 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 249

Address: 126 Charles Street

	Allowed/Required	Existing	Proposed	Granted
Total FAR	.75	.66	.66	.66
Residential	.75	0	.66	.66
Non-Residential	0	.66	0	0
Inclusionary Bonus	NA	NA	NA	NA
Total GFA in Sq. Ft.	3,750	7,593	7,719	7,593
Residential	3,750	0	7,719	7,593
Non-Residential	0	7,593	0	0
Inclusionary Bonus	NA	NA	NA	NA
Max. Height	35	37	37	37
Lot Size	5,000	5,000	5,000	5,000
Lot area/du	1,500 (Residence C-1)	0	625	625
Total Dwelling Units	8 (Section 5.28.2)	0	8	8
Base units	NA	NA	NA	NA
Inclusionary units	NA	NA	NA	NA
Min. Lot Width	50	50	50	50
Min. Yard Setbacks				
Front	H+L/4 (min 10')	61	61	61
Side, Left	H+L/5	0	0	0
Side, Right	H+L/5	0	0	0
Rear	H+L/4 (min 20')	0	0	0
Total % Open Space	30%	0%	0%	0%
Usable				
Other				
Off Street Parking				
Min #	8	12	10	10
Max #				
Handicapped	0	0	0	0
Bicycle Spaces	4	0	4	4
Loading Bays	NA	NA	NA	NA