

## NOTICE OF DECISION

Case No: PB#122

Address: 580 Massachusetts Avenue

Zoning: Business B/Central Square Overlay District

Owner: Stu-Lin Realty Trust, 923 Massachusetts Avenue,  
Cambridge, MA 02139

Application Date: November 8, 1996

Public Hearing: December 17, 1996

Planning Board Decision: February 4, 1997

Date of Filing Decision: March 13, 1997

Application: To renovate the existing nonconforming building. The applicant requests a waiver of the setback requirement to construct 2 additional floors at the rear of the building to accommodate 36 residential units.

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

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### The Petition

Special Permit to waive setback requirements for housing use in a Business B district, Section 11.304.4, Central Square Overlay District.

### Application

1. Application, submitted November 8, 1996, containing the following: Locus map with existing conditions, photographs with existing conditions, Dimensional Form, Narrative Description of the proposed project, Plot Plan, dated May 8, 1989, floor plans and elevations on three sheets entitled "580 Massachusetts Avenue Proposed Renovations, Stu-Lin Realty Trust"; Pfeufer/Richardson Architects; Scale 1/16" = 1'; dated October 24, 1996.

### Other Documents Submitted

1. Board of Zoning Appeal Case #7372, 580 Massachusetts Avenue, variance application dated 10/25/96, with supporting statement for a variance, supporting statement for a special permit and dimensional form.
2. Letter to the Planning Board, dated 12/17/96, from Campaign to save 2000 Cambridge Homes, opposing Stu-Lin' request for Planning Board approval for the project.
3. Development Consultation Procedure Certificate of Compliance of the Central Square Overlay District, dated November 6, 1996.

4. Letter to the Planning Board, dated 12/17/96, from the Central Square Advisory Committee, recommending continued review.
5. Copy of the Board of Zoning Appeal Case #4444, 590 Massachusetts Avenue, for a variance for relief from parking requirements for the conversion of retail to residential uses.
6. Development Consultation/Central Square Advisory Committee Report dated January 17, 1997, reviewing the proposal.
7. Copy of a letter from Stu Rothman, to E. Brendan Noonan, Prudential Properties, dated January 29, 1997, outlining the leasing of the commercial space at 580 Mass Avenue.
8. Letter to the Planning Board from Stuart J. Farkas, Attorney at Law, dated January 31, 1997, outlining the offer of an affordable housing contribution.
9. Revised elevations and site plan, by Pfeufer/Richardson, P.C. Architects, of proposed renovations at 580 Mass Avenue, dated December 17, 1996, scale 1/8" = 1 foot.
10. Facsimile of report on the Central Square Neighborhood Coalition's Central Square Survey, to Liza Malenfant from E. Pfeufer, dated 2/18/97.

### Public Hearing

At an advertised public hearing held on December 17, 1996, Eric Pfeufer, of Pfeufer and Richardson Architects, presented the application and the plans. He reviewed the existing conditions and uses in the area as well as at the site itself; discussed the plans for the ground floor and basement uses; and outlined the proposed extension of the residential space on the second and the third floors of the building. He also discussed the physical and management problems the building has had in the past.

The applicant proposes to increase the number of units to 36 from the existing 32, enlarging those existing units in the process. The renovations would include making the units safer as well as increasing the available natural light. There would be a new residential entry on Pearl Street, served by an elevator to the residential floors, new code conforming egress stairs, centralized trash collection and a resident manager in the building.

The proposed improvements to the facade of the building have been discussed with the staff of the Historical Commission; neither the building or its facade, now or as it was previously, were identified as particularly valuable by the staff. Due to the method of attachment of the most recent facade installation, renovation of the original brick face is not feasible. The applicant proposes, therefore, to enlarge the windows to the original size whenever possible, and to develop a design details for the existing and new facades in consultation with Community Development. The new work will include redesign of street level retail elevations with increased window area, relocation of retail and residential entries to reduce conflicts with foot and automobile traffic on Massachusetts avenue, and removal of existing roll down grates and signage. Deliveries and trash removal will be relocated and organized at a single point at the Green Street side of the building. compatible design.

The Board raised questions about the design and environmental quality along Green Street, the environmental quality of the units as redesigned, and the proposed management of the building. There was discussion of the lack of parking for the units, what the potential rents would be, to whom the units would be marketed, and the size of the units.

The Board asked the applicant's representatives to continue discussions with the Central Square Advisory Committee, as they had expressed some concerns based on earlier plans that were not as advanced as those presented to the Planning Board, and to discuss how this application conformed to Section 11.300 of the Central Square Overlay District.

In response to several questions Mr. Farkas, attorney for the applicant, indicated that the rent for the current units would rise based on the increased size of the studio and one bedroom new units. The applicant currently receives ca. \$600 a month for a studio in the vicinity. It is anticipated that the units would be attractive to elderly and disabled tenants; and as is the applicant's custom, subsidized housing applicants would be accepted. The affordability criteria is one of many the Planning Board may consider, but there are others and not every project can meet every consideration: it is creating a cleaner and safer environment, reclaiming space for the pedestrian, enhancing the retail frontage, creating a mixed use facility with a major component of housing, and an existing structure is being reused. Given the cost of the renovation and the limits to income the market imposes, there is a limited range in which the project can work financially.

There was discussion regarding the existing liquor license and the potential use of that license in the retail area. The applicant has committed to having a professional broker handle the retail leasing and

would make the license conditioned in ways that could be agreed upon with the concerned parties (a license attached to a full service restaurant might be acceptable, a freestanding bar or entertainment facility would not be). There is the possibility that the license would be sold.

There were a great deal of questions from the public concerning the applicant's history as a landlord, the condition of the existing units, the commitment to continue to provide affordable rents, such as another large landlord, like Harvard University, was doing, how this particular site had been managed in the past and would be in the future, the ability to ensure that any conditions would be met by the applicant and enforced by the City; a petition stating these concerns was submitted by Campaign to Save 2,000 Homes.

The Board asked the applicant's representatives to return to the Advisory Committee for their comments on the revised plans and to be prepared to address the requirements of Section 11.305, particularly as related to mixed income housing.

At the Planning Board meeting of January 21, 1997, a deliberation meeting was held with the applicant's representatives. Susan Schlesinger summarized the issues of previous concern to the Board: ground floor use and design, the design of the building generally, issue of affordable units, the Advisory Committee comments on the revised plan.

The discussion began with proposed uses in the retail component of the proposal. Members indicated a desire to reflect the community's desire to encourage certain kinds of retail uses at this site and to clearly exclude others. Mr. Farkas indicated an intent to hire a professional commercial broker to rent the spaces with a targeted effort on those uses identified by the neighborhood. There was concern over the association of the liquor license with a bar and/or dancing. Attorney Farkas stated that it was not the intention to include this use in the building and Board members indicated that it could be an excluded use in the permit.

The Board discussed the Central Square guidelines which required mixed income housing and how this development would address that guideline. There was a discussion of what would define a mixed income development and the possible rent levels for this site and this type of unit. Mr. Farkas suggested that market rent does not mean luxury rent in this location: the units have no amenities, there is no parking, they are in the heart of busy Central Square and they are above a retail first floor. Susan Schlesinger indicated that for a one person household, devoting 30% of their income (at 50% to 80% of median) to housing the rents might range from \$520 to \$760. More than a couple of units would

likely tip the financial feasibility of the project. Members at a minimum wanted to encourage mixed income housing but several recognized the precarious nature of the project and supported it for other urban design reasons as well. If affordable units were to be provided, no more than two was a consensus figure. "Best efforts" would be acceptable for some members.

Other members pointed out that many of considerations deal with retail activity. Members certainly found that addressing those concerns was also important and also suggested that continuing design oversight was important. Defining the range of permitted uses (and listing those explicitly excluded) was suggested with a possible mechanism for further approvals should the desired uses not materialize.

The proposed site improvements, the trash collection, the entrances to the building and the overall improvements to the buildings were again reviewed. There was discussion of the owner's commitment to following through with the proposal.

The applicant was directed to return with a further discussion on how the applicant met the Central Square Guidelines and after discussion with the Community Development Department with regard to a strategy for expressly addressing the mixed income issue.

On February 4, 1997, the applicant's representatives returned to the Planning Board to address the issues of mixed income residential uses in the Central Square Overlay District. S. Schlesinger summarized the discussion between the Department and the applicant with regard to affordable housing. A letter from the applicant summarized the commitment: two studio units which would be available for a term of 5 years, at a rent of \$536.00 per month, which is comparable with a Section 8 rent level. The letter further committed not to displace any elderly tenants. S. Schlesinger indicated that the rent level would be below the 60% of median standard; a comparable requirement in the Residence C district only requires serving household at 80% of median. While the staff would prefer a longer term than the applicant has agreed with, the staff understands that under the Overlay District requirements the applicant is not obligated to provide units; the requirement is that mixed income is one of the factors to be considered. The staff has not been able to review detailed pro formas as the project is much too early in its development to make that possible. Mr. Farkas indicated that the rents would be adjusted annually using a recognized HUD index.

There was some concern expressed with regard to the tenuous nature of the financing of such a project, particularly with regard to rehabilitation

of an existing structure and the danger of derailing it if conditions were excessive.

There was much discussion on the limit of the terms as well as the rent levels and whether this was comparable with the existing levels of linkage paid by other developers in other zoning districts. On the one hand it was noted that there was not a major bonus being requested from the Planning Board and its likely tenuous financial status already noted. Other members noted, however, that there are no additional parking or infrastructure costs associated with adding the four new units, that the retail component was most important in carrying the project, that the requirement of permanent affordability at the rate proposed by the applicant would not break the financial feasibility of the project, would be of real benefit to the community and the city, and would be a real symbolic value as well.

Also submitted was a copy of a letter which outlined the conditions for a professional commercial broker to handle the leasing of the first floor retail space.

The Board discussed limiting the retail uses to those that would be compatible with the results of the Central Square Neighborhood Coalition survey. The Board discussed limiting the liquor license to a restaurant use, prohibiting fast order food and commercial recreation. If the broker was not successful in securing leasing within these limitations the applicant could return to the Planning Board and request a minor amendment to allow a specific proposed use.

### Findings

1. The Board finds that the following Standards for Issuance of Special Permits, Section 11.305 of the Central Square Overlay District are met:

a. The proposed development is consistent with the goals and objectives of the Central Square Action Plan.

(1) *Encourage responsible and orderly development.* An existing building that has not functioned well in the past for its inhabitants nor as it relates to the public streets will be entirely rehabilitated. The ground floor changes will greatly improve the environment at the bus stop, the Central Square subway station access, and along the entire Massachusetts Avenue, Pearl Street and Green Street pedestrian frontages. This design will create clear retail entrances that will not interfere with residential access to the building; alternately residents will have access to their homes without

conflict from non residents seeking out the retail uses or adjacent public transportation facilities. The Green Street area will be reorganized to contain the trash disposal services in a way that will ensure that they do not spill over onto the public way.

(2) *Strengthen the retail base to more completely serve the needs of the neighborhoods.* The applicant has committed to employing a professional broker who will market the space using a list of possible tenants derived from the Central Square Neighborhood Coalition survey results as well as the comments from the Central Square Advisory Committee. The redesign of the building has increased the visibility of the retail elements of the ground floor and made them more attractive to prospective tenants. Certain potential obnoxious or nuisance uses will be prohibited.

(3) *Preserve the Square's cultural diversity.* The applicant has committed to developing the building to be respectful of abutting uses and the nearby residential population in the Square. The relatively modest levels of rents proposed will likely allow a diverse range of tenants to live at the site; the affordable housing requirement imposed by the Board will further that objective.

(4) *Create active people oriented spaces.* The redesign of the building will allow the ground floor retail uses to function more effectively and to be more visible and appealing to the general public from the street. The plan will maintain a separate and distinct residential access, reducing conflict with retail uses and it will locate the less desirable building service functions, such as trash disposal, in an enclosed area away from the public view.

(5) *Improve the physical, and visual environment.* The building will be substantially rehabilitated with facade improvements and use plan that will greatly enhance the appearance of the building and its functioning. The redesigned building will complement the Central Square Improvements Program currently underway in the area under City auspices.

(6) *Provide retail establishments that serve people of diverse economic and social groups who live in the surrounding neighborhoods.* The applicant has committed to a professional broker who will market the space using a list of possible tenants derived from the Central Square Neighborhood Coalition survey results as well as the comments from the Central Square Advisory Committee. Limitations on this special permit will prohibit some of the least desirable uses from locating here.

(7) *Encourage the development of new mixed income housing.* The applicant had committed to providing two studio units of below market rate rental housing on the site for a period of 5 years. The Planning Board has made that level of subsidy a permanent requirement of the special permit. In addition, the project continues to provide housing at this site, in a much improved state physical repair, and by the nature of the location, at generally reasonable market rates.

(8) *Promote compatible retail adjacent to residential uses.* See comments made above.

b. The building and site designs are consistent with “Urban Design Plan for Central Square” as outlined in the “Central Square Action Plan” and the “Central Square Development Guidelines”.

A prominent building in the Square is retained and much enhanced. The first floor is devoted to retail uses (with the exception of the trash disposal which is entirely contained within the building) consistent with building frontages along Massachusetts Avenue and the side streets leading off it; the visibility will be enhanced and the character of the building’s facade at the ground level much improved visually. The renovation/reuse of existing structure will preserve existing residential units and actually increase the number of units by four; maintaining and increasing residential presence in the Square is a central objective of the Action Plan. Thirty two units of housing will be renovated and improved with better access, a dedicated entry on Pearl Street and improved natural light. There will be units facing adjacent residential areas on Green Street with an improved and more friendly design at that location with windows on the upper floors of the building, and on the corner at the ground floor.

c. the building and site designs adequately screen the parking provided and are sensitive to the contributing buildings in the vicinity.

This renovation of an existing building has no opportunity to provide onsite parking for either the residential or commercial uses. Central Square is well served by public transportation facilitates.

d. No National Register or contributing building is demolished or so altered as to preclude its designation as a national Register or

contributing building, or has such occurred within the preceding five years.

This contributing building will be retained and substantially improved in a manner more consistent with its original character.

2. The Board finds that the waiver of setback requirements, as permitted in Section 11.304.4, is reasonable in the circumstances presented in this application. The Business B district does not require setbacks for buildings containing non residential uses. The existing building is located at the front property line of all streets it abuts and abuts directly the side property line. There is no compelling reason to require the two new floors proposed to be constructed on the rear half of the building to be set back from either the property lines or from the footprint of the floor below upon they are to be constructed. The additional floor area that the waiver of the yard requirements permits in the limited space available will allow for a dramatic improvement in the quality of the reconstructed dwelling units now on the site. All other aspects of the design are consistent with the Central Square Overlay District and its referenced supporting documents.

3. While a specific affordable housing component is not required for any special permit issued in the Overlay District, mixed income housing is an objective of Section 11.300. The waiver of the setback requirements appears necessary to accommodate additional floor area on the site that is not permitted except by variance from the Board of Zoning Appeal. The Board finds it reasonable and consistent with the objectives of the Overlay District to condition the granting of the setback waiver and the possible granting of additional floor area from the BZA with the permanent provision of two dwelling units (50% of the additional units to be added) as affordable, as set forth in the conditions below. The additional floor area, should it be granted, will be made feasible by the waiver of the yard requirements herein granted by this special permit and both will result in a significant upgrade and improved value of the dwelling units now at the site.

4. The value of the proposed renovations at this site are many. The opportunity to upgrade the range of retail uses at the location is an important one. To assure the permanent contribution of an upgraded retail component, the Planning Board finds it appropriate to limit the employment of the outstanding liquor license attached to the site to those uses that will not cause disruption and nuisance to the residential community located nearby, and to encourage the pursuit of retail tenants at the site by the permittee that will be of clear value to the local residential community living in the adjacent neighborhood.

5. The criteria for issuance of a special permits, as set forth in Section 10.43 are met.

- a. The requirements for the waiver of yard requirements in the Central Square Overlay District will be met.
- b. There will be not be increased vehicular traffic generated by the proposed renovation and additional gross floor area at this site. No parking is provided now and no parking is proposed in the future. The proposed plan will, however, substantially reduce congestion and hazard as it relates to pedestrian movement around the site and into the building. Entry to the housing and commercial activities on the site will be separated and removed from the congested location adjacent to the bus and subway access points.
- c. Operation of adjacent uses will be enhanced. Limitations on the nature of the retail activity that can occur on the site will significantly improve the environment for residential living on adjacent streets. The improvement in the quality of the retail facades will contribute to a strengthening of retail activity elsewhere along Massachusetts Avenue.
- d. Nuisances and hazards located at the site, including poorly arranged building entries, poorly laid out residential units, and poorly managed trash collection, will be eliminated.
- e. The proposed development will advance the integrity of the Central Square Overlay District and specifically advance its objectives.

### Decision

After review of the application documents, and discussions at the public hearing and at subsequent regular Board meetings, and based on the above findings, the Planning Board **GRANTS** Special Permit #122 as set forth in the above referenced application documents, subject to the following conditions:

1. The proposal shall be subject to continuing design review by the staff of the Community Development Department staff. In that process the Central Square Advisory Committee shall be kept fully informed as the plans are further developed. The Community Development Department shall certify to the Superintendent of Buildings that final plans submitted for a building permit are generally consistent with the revised plans, dated December 17, 1996 and referenced above.

2. The permittee shall provide two studio units at this site, which units shall at initial occupancy rent for \$536.00 per month, which rental rate may be adjusted from the date of the granting of this permit, and thereafter, as permitted by the federal Department of Housing and Urban Development for its Section 8 Housing Certificate program, or any successor federal agency or housing support program. Said units shall be maintained permanently (as long as this special permit is in force and effect) as Affordable Units made available only to Eligible Households as defined in Section 11.201 of the Zoning Ordinance. Before issuance of any Certificate of Occupancy for the development, the permittee shall have submitted to and received approval from the Affordable Housing Trust, a plan for the marketing, leasing, and maintenance of these two units in a manner consistent with the requirements of this permit.

3. The permittee is encouraged to market the retail space to secure tenants consistent with the desires expressed by the residents of Central Square and its nearby neighborhoods in the “Central Square Neighborhood Coalition’s Central Square Survey” for additional retail services in Central Square: movie theater, book store, bakery, large scale clothing store, ice cream parlor, deli, gourmet coffee shop, stationery/office supplies, performing arts stage, sporting goods store, fabric store, linens/bedding store, music store, toy/games store. The employment of a professional retail broker as committed to by the permittee is encouraged. The following retail uses in Section 4.35 shall be specifically prohibited as long as this special permit is in force and effect: 4.35 a and b: sale of liquor; 4.35 f (2); 4.35 g; 4.35 i, j, l, m, n, o, p.

4. The liquor license currently assigned to the site, and any future liquor license, shall be limited for use at this site while this special permit is in force and effect, only in conjunction with a full service restaurant, Section 4.35.f.1.

5. This special permit and its conditions shall be valid should the Board of Zoning Appeal choose to grant by variance additional gross floor area on the site as requested by the permittee.

Voting to GRANT the Special Permit were P. Dietrich, C. Mieth, A. Cohn, S. Lewis, H. Russell, H. Salemme, and W. Tibbs, constituting over two-thirds of the Planning Board.

Respectfully Submitted,

Paul Dietrich, Chair

A copy of this decision 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 13, 1997**, by Elizabeth J. Malenfant, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

Twenty (20) days have elapsed since the filing of this decision.

No appeal has been filed.

DATE:

City Clerk  
City of Cambridge