# CITY OF CAMBRIDGE 

BOARD OF ZONING APPEAL
831 Massachusetts Avenue, Cambridge MA 02139
617-349-6100
BZA Application Form

## 2021 AUG 18 PM 1:04 <br> OFFICE OF THE CITY CLERK CAMbRIDGE. MASSACHUSETtS

BZA Number: $\mathbf{1 3 4 1 2 3}$
General Information
The undersigned hereby petitions the Board of Zoning Appeal for the following:
Special Permit: $\qquad$ Variance: $\qquad$ Appeal: $\qquad$

PETITIONER: President and Fellows of Harvard College C/O Alexandra Offing, Harvard Planning Office
PETITIONER'S ADDRESS: 1350 Massachusetts Avenue, Suite 573, Cambridge, MA 02138

## LOCATION OF PROPERTY: 13 Kirkland PI, Cambridge, MA

TYPE OF OCCUPANCY: Multifamily Residential, CZO 4.31.g

ZONING DISTRICT: Residence C-3,Institutional Overlay.

## REASON FOR PETITION:

/Creation of window wells (building height)/

## DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner proposes to create window wells to meet life safety requirements that will lower the average mean grade and therefore increase the height, requiring relief with respect to required distance to another building on same lot.

## SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.13 (Minimum distance to a building on same lot)
Article: 8.000 Section: 8.22.3 (Non-conforming Structure)
Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
Article: 10.000 Section: 10.30 (Variance).

Original
Signature (s):

Address:


Tel. No.
617-384-8155
E-Mail Address: alexandra_offiong@harvard.edu

## BRA APPLICATION FORM - OWNERSHIP INFORMATION

(To be completed by OWNER, signed before a notary, and returned to Secretary of Board of Appeal.)

I/We President and Fellows of Harvard College
(OWNER)

Address: $\quad$ coo Justin Stratman, Harvard University Housing, 1350 Massachusetts Ave, Cambridge, MA 02138
State that I/We own the property located at $\qquad$ 13 Kirkland Place which is the subject of this zoning application.

The record title of this property is in the name of President and Fellows of Harvard College

| *Pursuant to a deed of duly recorded in the date | June 22, 1993 | , Middlesex South |
| :--- | :--- | :--- | :--- |
| County Registry of Deeds at Book, 23331 | , Page $278 \quad$; or Middlesex |  |

Registry District of Land Court, Certificate No. $\qquad$ Book $\qquad$
$\qquad$ Page $\qquad$ .


Signature by Land Owner or Authorized Puttee, Officer or Agent*

Commonwealth of Massachusetts, County of
The above-name Justin Stratmon personally appeared before me, this
$\qquad$ of June , 202 J , and made oath that the above statement is true.


* If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.
(See next page for additional addresses on this,




## BZA APPLICATION FORM - OWNERSHIP INFORMATION

| Additional Addresses on Lot: | Book | Page |
| :--- | :--- | :--- |
| 21 Divinity Avenue (2 Oxford Street) | 3628 | 548 |
| 45 Frances Avenue | 5994 | 545 |
| 10 Oxford Street | 3120 | 89 |
| 14 Oxford Street | 4716 | 419 |
| 16 Oxford Street | 3014 | 387 |
| 24 Oxford Street | 1399 | 361 |
| 2 Divinity Avenue | 3571 | 259 |
| 3 Divinity Avenue | 2840 | 399 |
| 16 Divinity Avenue | 2499 | 525 |
| Right of way (in front of Divinity Hall) | 305 | 19 |
| 21 Kirkland Street | 3055 | 159 |
|  | 740 | 557 |

## SUPPORTING STATEMENT FOR A VARIANCE

## EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10.

A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

President and Fellows of Harvard College, a Massachusetts educational and charitable corporation, acting by and through the Harvard University Housing, seeks two minor variances from the requirements of the Cambridge Zoning Ordinance ("CZO") that will allow a proposed renovation of 13 Kirkland Place. The following zoning relief is requested:

## Variance 1: Minimum Distance to Building on Same Lot

(CZO 5.13) The introduction of light wells on the ground plane will modify the site's mean grade and result in a technical increase in the building height. This increase in height changes the required formula for required distance to the adjacent Biological Laboratories (1930), a Harvard-owned educational building. The formula for the existing building requires an 18.36' building separation, while the proposed requires an 18.43' separation, a 0.07 ' difference. The buildings are located 11.2' apart.

Variance 2: Alteration or Enlargement of a Nonconforming Structure and Use (CZO 8.22.3, not otherwise permitted by CZO 8.22.1 and 8.22.2) To permit the alteration or enlargement of a nonconforming structure not otherwise permitted by issuance of a building permit or special permit. 13 Kirkland Place is considered legally nonconforming for distance to another building on same lot.

The proposed project will respect the history of the building while renewing it and improving its sustainability to provide 16 beds of housing for Harvard affiliates. The proposed design makes use of existing below-grade space to minimize the impact on the site, the streetscape, and the neighborhood. Making the basement space livable requires the creation of four (4) new window wells. The proposed project has been reviewed positively by the Executive Director of the Cambridge Historical Commission.

## A) A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

Harvard University Housing proposes to renovate and expand the structure at 13 Kirkland Place for University affiliated housing, primarily for graduate students and faculty. This building was constructed in 1857 as a two-story, 14-room dwelling house and was expanded by subsequent owners in early 1900s. Harvard University purchased 13 Kirkland Place in 1929, then sold it to a faculty member in 1979, and purchased it back it in 1993. The Bracketed Italianate structure is a contributing building in the Kirkland Place State and National Register Historic Districts. The historic nomination papers cite this area as "an enclave of mid-nineteenth century residential architecture that possesses integrity of location, design, setting, materials, workmanship and feeling."

Directly to the north of 13 Kirkland Place sits the Harvard Biological Laboratories ("BioLabs"). Built in 1930, this brick Art Deco science building is included in the Massachusetts State Register of Historic Places and has been determined eligible for listing in the National Register of Historic Places. The original construction of the BioLabs necessitated the relocation of 13 Kirkland Place to a new foundation about thirty (30) feet south on the site, where it currently is located. The Cambridge Zoning Ordinance in 1930 required a 10' separation between buildings and 11.2' separation was provided. Subsequent code changes require a larger building separation based on the heights of the buildings, rendering the relationship between these two buildings legally nonconforming.

A literal enforcement of the provisions of the CZO 5.13 would require either the removal / relocation of a National Register building or it would preclude Harvard from meeting its housing program in the
below grade area on site because light wells are required for life safety to utilize the basement. A literal enforcement of the zoning provisions would require that the usable housing program space be compromised and reduced in order to incorporate the required code compliance modifications. If Harvard is unable to meet the code mandated life safety requirements that the light wells would address, it would result in the loss of approximately 1,830 (proposed basement) square feet of housing space within the building envelope, representing 6 beds. Given the City's stated desire for institutions of higher education to provide housing for their affiliates, such a loss of bedrooms is contrary to that goal.

The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures by not affecting generally the zoning district in which it is located for the following reasons:

The property at 13 Kirkland Place is located within the Kirkland Place Transition Overlay District (KPTOD), a district whose "regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility..." (CZO 20.12.2). The KPTOD allows a maximum of 3.0 FAR overall, but only 0.5 FAR is allowed above grade. The remaining 2.5 FAR must be below grade, intending to maintain the scale of the residential neighborhood while allowing more density where it is not visible.

The proposed project responds to the goals of the KPTOD by seeking to utilize the below grade space to meet the program. The 13 Kirkland Place structure has high floor-to-ceiling height of $7^{\prime \prime}-4^{\prime \prime}$ in the basement. This ample space is well suited for housing use so long as it can be made livable with the creation of window wells to provide necessary light, air, and emergency egress per the Massachusetts Building Code. The introduction of window wells inadvertently worsens a zoning nonconformity of building separation due to the change in the height in the formula calculation.

Harvard explored other options to meet the housing need. Adding a rear above-grade addition outside of the building footprint would not comply with the above-grade FAR limits. Constructing a separate, new structure in the backyard outside of the KPTOD would have been possible without zoning relief, but would have reduced open space and would have added density instead of using already existing built space. This project proposes to maintain the building footprint and utilize the below grade space, which will both respect the goals of the KPTOD and offers a more sustainable approach to meeting housing program.

## C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

Desirable relief may be granted without substantial detriment to the public good for the following reasons:

This project responds to the Cambridge Growth Policy 52, which states that "major educational institutions should be encouraged to provide housing" for their affiliates through "effective use of existing land holdings". The proposed renovation of 13 Kirkland Place will result in public benefits in terms of investing in the University's stock of housing, improving the building's life safety and accessibility, and investing in the historic resources of Cambridge. A new accessible entrance will make the building accessible for persons with disabilities. The project will use sustainable methods and materials with a goal of achieving Passive House certification. Through this project, Harvard is preserving a National Register building within the Kirkland Place National Register District.

Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

Both the Massachusetts Zoning Act and the Cambridge Zoning Ordinance allow nonconforming buildings to remain in place, and even to be expanded, so long as the change, extension or alteration is not substantially more detrimental to the neighborhood. The proposed project at 13 Kirkland Place can be readily accommodated on the site within the existing building footprint in a manner that does not impact the overall physical character of the lot or the surrounding neighborhood. The proposed
nonconforming building separation to the Biological Laboratories is the result of the required formula change due to the lowering of the grade for the window wells, but will result in no change in the actual separation distance on the ground. The distance between these buildings was established at a time when the distance separating them was conforming.

The proposed project will result in no adverse impacts in terms of traffic or shadows, and the project was designed to provide public benefits of additional housing stock, improved accessibility, life safety, and sustainable building means and methods. Therefore, requested relief does not nullify or substantially derogate from the intent or purpose of the Ordinance. Granting the requested variance will support the intent and purpose of the Ordinance, and will permit the preservation of the nonconforming historic structure, while significantly improving its life safety and accessibility.
*If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.

## DIMENSIONAL INFORMATION



Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT $7^{\prime}-0^{\prime \prime}$ IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.


## HARVARD UNIVERSITY

## 13 KIRKLAND PLACE

## PREPARED FOR

CAMBRIDGE BOARD OF ZONING APPEAL

## PREPARED BY

KELLY BOUCHER ARCHITECTURE
www.boucherarchitecture.com

JULY 15, 2021

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## 13 KIRKLAND PLACE

## PROJECT SUMMARY

RECONFIGURE EXISTING 3 UNIT RESIDENTIAL BUILDING INTO 5 UNITS (16 BEDS) FOR UNIVERSITY RESIDENTS.

HISTORIC PRESERVATION
HISTORICALLY SENSITIVE RESTORATION PLANNED FOR THE EXISTING MAIN STRUCTURE, INCLUDING TRIM, SIDING \& ORIGINAL DETAILS

## DEEP ENERGY RETROFIT

CURRENTLY UNDERGOING FEASIBILITY STUDIES FOR PASSIVE HOUSE, LEED PLATINUM, LIVING BUILDING CHALLENGE CERTIFICATION WITH NET ZERO ENERGY GOAL

UPGRADE TO CONTEMPORARY STANDARDS
BUILDING CODE, ACCESSIBILITY CODE \& LIFE SAFETY UPGRADES


FRONT

## PROJECT SCOPE

- GUT RENOVATION AND RECONFIGURATION OF INTERIOR LAYOUTS TO CREATE 5 NEW UNITS, INCLUDING PROPOSED CONFORMING ADDITIONS AT THE REAR ELL \& GARDEN LEVEL
- NEW ACCESSIBLE RAMP TO MEET CURRENT ACCESSIBILITY CODE REQUIREMENTS
- NEW WINDOW WELLS WILL BE ADDED FOR EGRESS, LIGHT, AND AIR TO BELOW GRADE UNITS
- EXISTING FIRE ESCAPE WILL BE REMOVED.
- THE TWO MAIN DECORATIVE CHIMNEYS AT THE FRONT LEFT SIDE OF THE HOUSE WILL BE MAINTAINED. ALL OTHER CHIMNEYS WILL BE REMOVED
- EXTERIOR IMPROVEMENTS INCLUDE COVERED BIKE PARKING, ACCESSIBLE SIDEWALKS AND ENTRANCE, DEDICATED RECYCLING \& TRASH STORAGE



## VARIANCE REQUEST SUMMARY

## 13 KIrKLAND PLACE, CAMBRIDGE MA

Variance 1:
Building Separation Distance
(CZO 5.13)
With the proposed project's introduction of 4 new light wells and resulting change of height at 13 Kirkland Street, the required distance formula for building separation to the adjacent BioLabs will increase by 0.07 ' to $18.43^{\prime \prime}$. There will be no change to the physical separation of the buildings.

The introduction of light wells on the ground plane will modify the site's mean grade and result in a technical increase in the building height. This increase in height changes the formula for required distance to the adjacent Biological Laboratories (1930) a Harvard-owned educational building. The formula for the existing building requires an 18.36' building separation, while the proposed requires an 18.43' separation, a $0.07{ }^{\prime}$ difference. The buildings are located 11.2' apart.

Variance 2:
Alteration on enlargement of a nonconforming structure
Alteration on enlargement of a nonconforming structure
(CZO 8.22.3, not otherwise permitted by CZO 8.22.1 and 8.22.2) )
To permit the alteration or enlargement of a nonconforming structure not otherwise permitted by issuance of a building permit or special permit. 13 Kirkland Place is considered legally nonconforming for front yard setback and building separation to another building on the same lot.


BUILDING SEPARATION DIAGRAM
$1 / 16^{\prime \prime}=1$ - $-0 "$


WINDOW WELL LOCATIONS



VIEW LOOKING DOWN KIRKLAND PLACE

FRONT VIEW OF 13 KIRKLAND PLACE


SATELLITE VIEW OF
SITE
 $\begin{array}{r}\text { Date } \\ 07.15 .21 \\ \hline\end{array}$


PROPOSED SITE PLAN
$3 / 16^{\prime \prime}=1-0^{\prime \prime}$


3RD FLOOR PROPOSED
$3 / 16^{\prime \prime}=1^{\prime}-0^{\prime \prime}$


2ND FLOOR PROPOSED
$3 / 16^{\prime \prime}=1$ 1-0"
PROPOSED PLANS
APPLICATION FOR ZONING VARIANCE - JULY 2021


1ST FLOOR PROPOSED
$3 / 16^{\prime \prime}=1^{\prime}-0^{\prime \prime}$


GARDEN LEVEL PROPOSED
$3 / 16^{\prime \prime}=1$ - $-0^{\prime \prime}$


13 KIRKLAND PLACE, CAMBRIDGE MA


EXISTING WEST ELEVATION
$3 / 16^{\prime \prime}=1$ - $-0^{\prime \prime}$


WINDOW WELLS
PROPOSED WEST ELEVATION
$3 / 16^{\prime \prime}=1 \cdot 0^{1.0}$



EXISTING 3D VIEW - SOUTHEAST


PROPOSED 3D VIEW - SOUTHEAST

APPLICATION FOR ZONING VARIANCE - JULY 2021


EXISTING 3D VIEW - NORTHWEST


PROPOSED 3D VIEW - NORTHWEST


EXISTING REAR VIEW


EXISTING FRONT VIEW


PROPOSED FRONT VIEW



145-15
LIAO, CHI CHI \& CHARLES H. HSU, TRUSTEES MR REALTY TRUST
11 FRANCIS AVE
CAMBRIDGE, MA 02138

145-45
BLOOMFIELD, CAROLINE, A LIFE ESTATE
46 BLACKSTONE ST
CAMBRIDGE, MA 02139
145-40
VAN BEVER, DEREK \& ELLEN VAN BEVER
23 FRANCIS AVE
CAMBRIDGE, MA 02138

145-11
PAULSSON, JOHAN \& CELESTE N. PETERSON
14 KIRKLAND PL
CAMBRIDGE, MA 02138

145-14
MARTIN C. CAFASSO
15 FRANCIS AVE
CAMBRIDGE, MA 02138

145-37-38 / 144-1
PRESIDENT \& FELLOWS OF HARVARD COLLEGE C/O HARVARD REAL ESTATE, INC.
HOLYOKE CENTER,ROOM 1000
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138-3895

145-42
GREEN, ALLAN M. \& JANET OHLE GREEN 19 FRANCIS AVE
CAMBRIDGE, MA 02138

## 145-43

SMITH, DAVID A. \& NANCY H. SMITH
21 FRANCIS AVE
CAMBRIDGE, MA 02138-2009

145-39
PRESIDENT AND FELLOWS OF HARVARD COLLEGE C/O HARVARD REAL ESTATE SEVICES
1350 MASS AVE.
HOLYOKE CENTER \#1017
CAMBRIDGE, MA 02138

PRESIDENT \& FELLOWS OF HARVARD COLLEGE
C/O ALEXANDRA OFFIONG,
HARVARD PLANNING OFFICE 1350 MASS AVENUE - SUITE 573
CAMBRIDGE, MA 02138

145-10
WYE, JOSEPH BENHAMIN HARDING \& JENNIFER MACKAY PYLE 12 KIRKLAND PL CAMBRIDGE, MA 02138

145-9
BLUMOFE, ROBERT \& CYNTHIA BREAZEAL 10 KIRKLAND PL
CAMBRIDGE, MA 02138

145-14
CHONG, ALAN \& SHENGWU LI,
TRUSTEES THE CHARLES CALDECOTT TRUST
17 FRANCIS AVE
CAMBRIDGE, MA 02138

## 13 Kirkland Place



