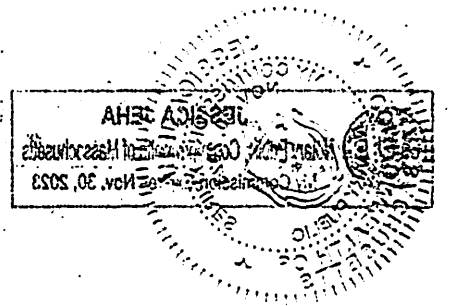




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**BZA APPLICATION FORM - OWNERSHIP INFORMATION**

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We 5527-16-19A Forest Street Cambridge LLC  
(OWNER)

Address: 300 A Street, 5th Floor, Boston, MA 02210

State that I/We own the property located at 16-18 Forest Street,  
which is the subject of this zoning application.

The record title of this property is in the name of 5527-16-19A Forest Street Cambridge LLC

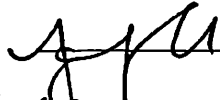
\*Pursuant to a deed of duly recorded in the date October 4, 2016, Middlesex South  
County Registry of Deeds at Book 68145, Page 108; or  
Middlesex Registry District of Land Court, Certificate No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_.

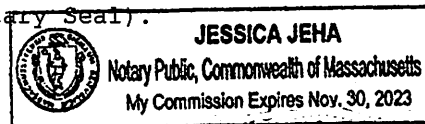
  
SIGNATURE BY LAND OWNER OR  
AUTHORIZED TRUSTEE, OFFICER OR AGENT\*

\*Written evidence of Agent's standing to represent petitioner may be requested.

-----  
Commonwealth of Massachusetts, County of Suffolk

The above-name Naum Kleinman personally appeared before me,  
this 16<sup>th</sup> of February, 2020, and made oath that the above statement is true.

 Notary  
My commission expires Nov. 30, 2023 (Notary Seal).



- If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

Faint, illegible text covering the majority of the page, likely bleed-through from the reverse side of the document.

JESSICA JENNA  
National Public Commission on Prescription Drugs  
U.S. House of Representatives





**BZA APPLICATION FORM**

**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)** 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:

A literal enforcement of the provisions of the Ordinance would involve a substantial financial and architectural hardship to the appellant. The existing buildings at 16-18 Forest Street and 17-19 Forest Street are located across Forest Street from each other. They were originally built in the early 20th century, each at four (4) stories and containing a total of 123 rental units. The buildings are not currently accessible for persons with disabilities. Since acquiring the property in early 2017, the appellant has begun the process of complete interior renovations while also proposing to upgrade future accessibility accommodations at the property in the underutilized existing basement space by adding seven (7) new accessible units and one (1) accessible renovated unit, in the lower level of 16-18 Forest Street and eight (8) new standard and two (2) renovated standard units in the lower level of 17-19 Forest Street. These new basement units capture underutilized space without the need to expand the overall building footprint. The eight (8) units at 16-18 Forest Street categorized as Group 2A units that are accessible via two (2) entry vestibules, each containing two (2) limited access/limited use (LULA) lifts and stairs, will greatly enhance accessibility at this long-existing and aging property that is currently without ANY accessible units due to the building configuration and prevalent building standards at the time.

The addition of these new accessible units provides the appellant's rationale and suggested hardship for requiring a modest increase in the existing non-conforming Floor Area Ratio and Minimum Lot Area for Each Dwelling Unit at each respective property, without a substantial or material increase in the existing overall building footprints. It also provides development without displacement as these new accessible and standard units will replace and upgrade three (3) outdated units currently existing in the lower levels of the buildings. Thus, a literal enforcement of the Ordinance would involve a substantial hardship as it would prohibit the appellant from being able to upgrade and install accessible units at its building where there currently are none located, without substantial financial hardship and feasibility constraints in bringing the existing building up to accessibility requirements.

**B)** 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 but not affecting generally the zoning district in which it is located for the following reasons:

The hardship is due to the existing structures on the properties, including their outdatedness with regard to local, state and federal accessibility codes, existing configurations and existing non-conformities with regard to Floor Area Ratio and Minimum Lot Area for Each Dwelling Unit at each respective property. The existing buildings were originally constructed in the early 20th century, without inclusion of any accessible units. There are very few existing structures such as these in the zoning district in which they are located, which are of the same size and built during the same time period, which do not have similar structural constraints. For instance, there are problems with creating accessible entrances at the other points of entry to the buildings. In particular, in each building, the units are accessed via a combination of exterior stairs to an internal vestibule and thence via interior stairs to the first floor level which is approximately 6 feet above entrance grade. Second, each such entrances serve at most four (4) units. Third, the configuration of the building layouts, and specifically the rated stair enclosures and fire separation walls, do not allow for required door clearances into the units. Finally, extensive re-grading as well as over 50 feet of ramping in the courtyards at multiple entrances would be required, thus reducing the use and availability of communal spaces. Accordingly, the appellant submits that such compliance with the accessibility codes would be impracticable, which in turn, thus creates the need for the subject zoning relief requested herein in order to accommodate these new Group 2A units. Thus, the building structures themselves, their shape, configuration and outdatedness especially affect the structure's ability to be accessible.

In this regard, the appellant obtained approval from the Massachusetts Architectural Access Board ("MAAB") on April 4, 2019, for, among other things, the incorporation of the proposed new Group 2A units in the basement of the 16-18 Forest Street building only, finding that the required equal distribution of the Group 2A units between both buildings is "impracticable" while also noting that there is no substantial benefit to providing this Group 2A units on the upper floors because there are no communal spaces or distinguishing features on those floors that persons with disabilities would not be able to enjoy as a result of the basement unit proposal. Further, MAAB allowed the use of new entrance vestibules that house the lifts and stairs which form the accessible path to these units.

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

- 1) Substantial detriment to the public good for the following reasons:

Appellant submits that the City should grant the requested relief, as the proposed project is not detrimental to the surrounding community or to the public good. Rather, it will instead reasonably renovate existing residential buildings in order to provide additional housing in previously under-utilized space at the property while improving/upgrading accessibility by adding eight (8) new accessible units in the basement of 16-18 Forest Street with egress and vertical lift access, with no expansion to the existing overall building footprint (see Exhibit D)

There will be no substantial detriment to the public good as the Appellant's proposed development will result in the much-needed revitalization of an older existing building, while providing accessible units in a building where there currently are none, including four (4) studio units, two (2) one bedroom units, and two (2) two bedroom units in the basement of 16-18 Forest Street. This will be accomplished in a manner which is consistent with, and complementary to, the immediate and surrounding neighborhood, as well as the long-existing buildings at the properties.

2) Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

Relief may be granted without nullifying or substantially derogating from the intent or purpose of the Ordinance in regards to the appellant's project because the existing buildings are both long-time existing non-conformities with regard to the Ordinance's provisions for Floor Area Ratio (0.5 maximum) and Minimum Lot Area for Each Dwelling Unit (2,500 square feet minimum) at each respective property, which the appellant seeks further relief from in the instant application. Furthermore, the addition of these units in the basements of each respective property will be accomplished without any increase in the existing building envelopes, which would potentially impact or cause detriment to the abutting and nearby properties, while accomplishing the addition of much-needed accessible Group 2A units for the combined buildings, which otherwise would not be capable without the requested zoning relief.

\* **If You have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.**

**BZA APPLICATION FORM**

**SUPPORTING STATEMENT FOR A SPECIAL PERMIT**

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 16-18 Forest St Cambridge, MA (location) would not be a detriment to the public interest because:

**A)** Requirements of the Ordinance can or will be met for the following reasons:

See Attached Exhibit A

**B)** Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

See Attached Exhibit A

**C)** The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

See Attached Exhibit A

**D)** Nuisance or hazard would not 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 for the following reasons:

See Attached Exhibit A

**E)** For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

See Attached Exhibit A

**BZA APPLICATION FORM  
SUPPORTING STATEMENT FOR A SPECIAL PERMIT**

*Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.*

*Granting the Special Permit requested for the reduction of required parking under Section 6.35.1 of the Zoning Ordinance would not be a detriment to the public interest because:*

**A) Requirements of the Ordinance can or will be met for the following reasons:**

The proposed project includes the construction of seven (7) new accessible units and one (1) accessible renovated unit in the lower level of 16-18 Forest Street and eight (8) new standard and two (2) renovated standard units in the lower level of 17-19 Forest Street. These new basement units capture underutilized space without the need to expand the overall building footprint. The eight (8) units at 16-18 Forest Street categorized as Group 2A units that are accessible via two (2) entry vestibules, each containing two (2) limited access/limited use (LULA) lifts and stairs, will greatly enhance accessibility at this long-existing and aging property that is currently without ANY accessible units due to the building configuration and prevalent building standards at the time. This will increase the total number of dwelling units at the property sites from a combined 123 units to a combined 138 units.

The Zoning Ordinance therefore requires fifteen (15) additional residential parking spaces (1 per dwelling unit) at the premises as a result of the addition of the fifteen (15) dwelling units, however there is no space at the premises for additional parking spaces. Therefore, a Special Permit is required for a reduction of required parking spaces by fifteen (15) spaces.

However, this lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, as it is an existing condition at the property site, is a long-time existing non-conformity and only involves a twelve (12%) percent increase in dwelling units. There is a small accessory parking area for the buildings located at the corner of Forest Street and Frost Street, which will remain.

Finally, in conformance with the determining factors itemized in Section 6.35.1 of the Ordinance, the required reduction in off-street parking is reasonable in light of the availability of surplus off street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station and the availability of public parking facilities in the vicinity of the premises. Specifically, the premises is in a central location that allows for minimal vehicular usage by building residents thus minimizing the need for any additional off-street parking as a result of the net increase in residential dwelling units from the proposed project. The Appellant submits the following reasons that the Ordinance can or will be met:

- i. the premises is located a short walk along Massachusetts Avenue of approximately 0.3 miles (approximately a six (6) minute walk) to the Porter Train Station, which includes access to both the MBTA Red Line and the Commuter Rail (along the North Station/Fitchburg line), providing direct one-stop access to North Station;
- ii. the premises is located between both Massachusetts Avenue and Somerville Avenue, which provide access to the 77, 83, 87 and 96 Busses, with connections to downtown Boston and beyond;
- iii. the premises is centrally located within short walking distance of numerous shops, restaurants and other services along both Massachusetts Avenue and Somerville Avenue (for instance, the Star Market grocery store on Beacon Street is less than a half mile walk from the premises); and
- iv. the premises is located within short walking distance of several of bicycle sharing Bluebikes Stations, including at Porter Square and Wilson Square.

**B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:**

The addition of fifteen (15) new residential units in the lower levels of these two existing buildings will cause a de minimus increase in traffic thereby not causing congestion hazard or a substantial change in the established neighborhood character. Again, the premises is positioned in an extremely transit oriented location as detailed above and the Appellant is not proposing any additional off-street parking. Thus these new units will not cause any congestion hazard or substantial change in the established neighborhood character as the new units will not be visible from the public way.

**C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:**

The proposed project will not adversely affect the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance because it is merely a proposed de minimus extension of a long-existing multifamily residential use that has existed at the premises for over 100 years. There has been a long-time utilization of the property site for this type of use. Additionally, and as delineated and itemized above, the property is located within short walking distance to multiple modes of transportation, is centrally located to numerous shopping and restaurant amenities, and does not have adequate available area on site for additional off-street parking.

**D) Nuisance or hazard would not 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 for the following reasons:**

No nuisance or hazard will be created by the proposed use to the detriment of the health, safety and/or welfare of the occupant of the proposed use because the proposed project merely involves a de minimus extension of a long-existing multifamily residential use that has existed at the premises for over 100 years. The new units will not be visible from the public way as they are proposed in the existing lower level of the existing buildings and as such no nuisance or hazard will be created, and in contrast, the new units will allow the Appellant to upgrade and install accessible units at its buildings where there currently are none located, providing a substantial benefit to the citizens of the City. Furthermore, the Appellant has given special attention to the siting, scale, design, and scope of the renovation work, and addition of two (2) limited access/limited use (LULA) lifts and stairs, which will greatly enhance accessibility at this long-existing and aging property that is currently without ANY accessible units due to the building configuration and prevalent building standards at the time.

**E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:**

Again, the proposed project merely involves a de minimus extension of a long-existing multifamily residential use that has existed at the premises for over 100 years. The new units will not be visible from the public way as they are proposed in the existing lower level of the existing buildings and as such no nuisance or hazard will be created, and in contrast, the new units will allow the Appellant to upgrade and install accessible units at its buildings where there currently are none located, providing a substantial benefit to the citizens of the City. Furthermore, the Appellant has given special attention to the siting, scale, design, and scope of the renovation work, and addition of two (2) limited access/limited use (LULA) lifts and stairs, which will greatly enhance accessibility at this long-existing and aging property that is currently without ANY accessible units due to the building configuration and prevalent building standards at the time.

Relief may be granted without nullifying or substantially derogating from the intent or purpose of the Ordinance in regards to the Appellant's project because the existing buildings are both long-time existing non-conformities with regard to the Ordinance's provisions for Floor Area Ratio (0.5 maximum) and Minimum Lot Area for Each Dwelling Unit (2,500 square feet minimum) at each respective property, which the appellant seeks further relief from in the instant application. Furthermore, the addition of these units in the basements of each respective property will be accomplished without any increase in the existing building envelopes, which would potentially impact or cause detriment to the abutting and nearby properties, while accomplishing the addition of much-needed accessible Group 2A units for the combined buildings, which otherwise would not be capable without the requested zoning relief.

## Exhibit A

The proposed project's required minimal dimensional relief is alleviated by certain other mitigating factors, as described herein and presented to the Board at the public hearing. Therefore, the proposed use will not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of the Ordinance.





\* \* \* \* \*

(7:23 p.m.)

Sitting Members: Constantine Alexander, Brendan Sullivan,  
Andrea A. Hickey, Jim Monteverde

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 017247 -- 16-18 Forest Street. It looks like  
55-27-16-19A Forest Street. Anyway, oh, no, no, no, I'm  
sorry, that's the name of the -- my mistake. 16-18 Forest  
Street.

Same story as before. The petitioner is aware of  
the need to continue this case, and is amenable to doing so  
and has signed a waiver of time for a decision. The  
petitioner has also been advised of the requirements for new  
posting of signs, and time for deadlines of submission of  
revised plans, drawings of the like.

So the Chair moves that we continue this case  
until 8:30 p.m. on April 23.

BRENDAN SULLIVAN: Brendan Sullivan, yes.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: Andrea Hickey, yes.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: Yes.

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[All vote YES]

CONSTANTINE ALEXANDER: And the Chair votes yes as well. So that motion is carried. This case is continued until 8:30 p.m. on April 23.

**Pacheco, Maria**

---

**From:** Luke Edson <luke.edson01@gmail.com>  
**Sent:** Wednesday, July 1, 2020 8:18 PM  
**To:** Pacheco, Maria  
**Subject:** Public Comment on cases BZA-017247-2020 and BZA-017248-2020

Members of the Board of Zoning Appeal,

I'm writing to express my support for granting the variances requested in the above cases, at 16-18 and 17-19 Forest Street.

I am a current resident of one of these buildings and I think that an additional 15 units in these buildings would be a great addition to the neighborhood. The entire region is facing a severe housing shortage, and these units would be transit-accessible and would not have any impact on the built environment. The basement in our building is unfinished and under-utilized, and is a great spot for new homes.

Thank you for your consideration.

Sincerely,  
Luke Edson



# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.  
(617) 349-6100

2 Bds

BZA

## POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: BRIDGET HEARN Date: 1/14/21  
(Print)

Address: 16-18 Forest St.

Case No. BZA-017247-2020

Hearing Date: 1/28/21

Thank you,  
Bza Members

## Sorto, Tracy

---

**From:** Jan Wall <wall.jan9@gmail.com>  
**Sent:** Thursday, July 9, 2020 9:13 AM  
**To:** Sorto, Tracy; Daglian, Sisia  
**Subject:** Fwd: BZA-017247-202

It was suggested I forward this to you for tonight's meeting. Thank you.

Jan

----- Forwarded message -----

**From:** Jan Wall <wall.jan9@gmail.com>  
**Date:** Thu, Jul 9, 2020 at 9:05 AM  
**Subject:** BZA-017247-202  
**To:** <[mpacheco@cambridgema.gov](mailto:mpacheco@cambridgema.gov)>

Hello, this is in regards to tonight's hearing for the above case for 16-18 Forest St., Cambridge. We know this is past the filing deadline, but wanted it on record, and we will plan to show up on the virtual meeting.

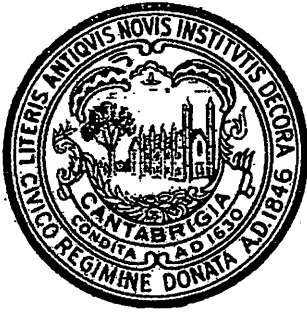
We object to the project for the following reasons:

1. We have been through many years of construction on these properties and have never complained but it has taken its toll on us.
2. We are in our late 60s & early 70s and we find the stress associated with ongoing construction of this type would impact our health
3. We now work from home and the noise would interfere with our ability to do our jobs (including the need to teach classes and run virtual meetings).
4. We may be selling our property in the next year and the construction could lower the cost of our property (while the work is being done). Happy to show our place if you know of anyone interested.
5. Although the reduction in parking did not, and we assume, would not negatively impact us, we heard multiple complaints of how it affected others in the neighborhood during prior construction.

We appreciate all the work that has been done, but this level of disruption is not acceptable any longer.

Jan Wall & Neal Klein

20 Forest Street



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

July 1, 2020

To: The Board of Zoning Appeal

From: The Planning Board

Re: BZA-017247-2020 – 16-18 Forest Street and

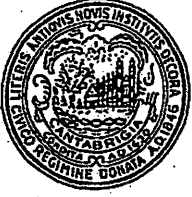
BZA- 017248-2020 - 17-19 Forest Street

On June 30, 2020, the Planning Board reviewed the above-referenced Board of Zoning Appeal (“BZA”) cases as part of its General Business.

After consideration of these requests and after hearing testimony from both the applicant’s representative and the public, the Planning Board voted unanimously to make a positive recommendation to the BZA on the requested variances and special permits for the creation of additional units in the existing basements of these two abutting buildings. This recommendation was made by the Planning Board in alignment with the provisions set forth in the Cambridge Zoning Ordinance, Section 20.630, *Standards*, of the Basement Overlay District.

On balance, the Planning Board felt that the creation of additional accessible units in this area, studio and one-bedroom sized units, is positive. The location of these units between Harvard and Porter Square is beneficial due to its accessibility to both public transportation and neighborhood amenities in the area.

The Planning Board recommends further review of these requests by the Department of Public Works for compliance with storm water and sewer regulations, and the Traffic, Parking and Transportation Department for impacts on existing on-street and off-street parking capacity.



# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.  
(617) 349-6100

2020 JUL 13 PM 3:45

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal  
831 Mass Avenue  
Cambridge, MA 02139

RE: Case # BZA - 017247 - 2020.

Address: 1678 Forest St.

Owner,  Petitioner, or  Representative: Noam Kleinman  
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The  Owner,  Petitioner, or  Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

Date: 7/13/2020

Signature 



1 \* \* \* \* \*

2 (8:08 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Janet Green, Andrea A. Hickey,  
5 Jim Monteverde

6 CONSTANTINE ALEXANDER: This seems to be a night  
7 for taking cases in clusters. The next two cases are really  
8 identical, except the addresses are different. They're  
9 across the street from one another. So I'm going to do, as  
10 I did with the previous case, and take the two petitions  
11 together. And then we can sort out the vote at the end.

12 And so, I'm going to call Case Number 017247 --  
13 16-18 Forest Street, and Case Number 017248 -- 17-19 Forest  
14 Street. Anyone here wishing to be heard on this matter?

15 NICK ZOZULA: Yes. Good evening Mr. Chair and  
16 members of the Board. Attorney Nick Zozula, McDermott,  
17 Quilty & Miller; here on behalf of Akelius, who is the  
18 property owner and developer. With me tonight from Akelius  
19 is Kayla Tierney (phonetic) Pepdjonovic, as well as Marc  
20 Winn, who is Construction Manager for Akelius.

21 Additionally helping me with the presentation  
22 tonight is Rich Rankin from CI Design, who is the architect

1 on the project.

2 If -- we did submit a presentation, I don't know  
3 if Sisia or somebody at ISD could perhaps pull it up? Thank  
4 you. Thank you very much.

5 So these properties, Mr. Chair, as you mentioned,  
6 they are rather identical. They are located across the  
7 state from each other. First, our presentation does  
8 separate them a little bit, so we'll start first with 16-18  
9 Forest Street, which is up on the screen now.

10 [And if you can go to the next slide, that would  
11 be great. Thank you.]

12 So this is just the GIS block map just to orient  
13 everybody to the site. These properties are located on  
14 Forest Street, just south of Porter Square, between Mass Ave  
15 and Beacon Street and Somerville Avenue.

16 It does consist two buildings which are across the  
17 street, which are across the street from each other. Both  
18 were built in the early 1900s, each four stories, and in  
19 total between the two, they contain 123 units, including 57,  
20 16-18 Forest Street, and 66, and 17-19 Forest Street. So --

21 CONSTANTINE ALEXANDER: Excuse me, sir.

22 NICK ZOZULA: Yes.

1           CONSTANTINE ALEXANDER: Could you repeat those  
2 numbers? I was distracted. How many units --

3           NICK ZOZULA: Absolutely.

4           CONSTANTINE ALEXANDER: How many apartments -- how  
5 many --

6           NICK ZOZULA: So between -- yes, sir, so between  
7 the two buildings, in 16-18 Forest Street, there currently  
8 exists 57 units.

9           CONSTANTINE ALEXANDER: Okay.

10          NICK ZOZULA: That is the -- on the map that  
11 you're looking at now, it is on the south side of Forest  
12 Street.

13          CONSTANTINE ALEXANDER: How many units are in the  
14 -- the other building on Forest Street?

15          NICK ZOZULA: The other building has 66 total  
16 units existing as of today.

17          CONSTANTINE ALEXANDER: So how many -- so the  
18 total units for these two properties is how much?

19          NICK ZOZULA: 123.

20          CONSTANTINE ALEXANDER: Okay, thanks.

21          NICK ZOZULA: That's what's existing -- yep, no  
22 problem. That's what's existing and has been existing since

1 I think these buildings were built around 1920.

2 So they are about 100 years old, and since  
3 acquiring the properties a few years ago, Akelius has begun  
4 a process of complete interior renovations of the building.  
5 As units have become available, and actually vacant, they  
6 have been renovating them as part of a turnover process.

7 Once they acquired the building, they realized  
8 that neither building provides any accessible units. So  
9 there are no accessible units Group 2A or otherwise in the  
10 building as it currently stands today.

11 CONSTANTINE ALEXANDER: Excuse me, let me  
12 interrupt you for a second.

13 NICK ZOZULA: Yes, sir.

14 CONSTANTINE ALEXANDER: What's the significance of  
15 accessible units? They're never going to build  
16 inaccessible. You're not going to work with inaccessible  
17 units. What's the meaning, what's the significance of the  
18 word, "accessible"? It sounds good.

19 NICK ZOZULA: The significance is that part of  
20 this proposal is to add eight accessible dwelling units in  
21 the basement of 16-18 Forest Street.

22 CONSTANTINE ALEXANDER: Yeah, I know. But those



1 are -- you're going to add eight total, and the two  
2 buildings combined 15 units in the building?

3 NICK ZOZULA: Yes.

4 CONSTANTINE ALEXANDER: What does accessible add  
5 to that? Why do you keep emphasizing "accessible"? Of  
6 course they're going to be accessible.

7 NICK ZOZULA: Because they're not in the unit now,  
8 not in the buildings now. And that was the rationale for  
9 this application and working with the Architectural Access  
10 Board, which has approved these units. That was -- that's  
11 why we're in front of the Board tonight.

12 CONSTANTINE ALEXANDER: Okay, thank you.

13 NICK ZOZULA: So I'm not trying to harp on that  
14 specific aspect of the project for no reason. The rationale  
15 is we've worked with the Access Board as part of this  
16 turnover process for these units.

17 We were required to add accessible units. And as  
18 part of that process, they've come to the conclusion that  
19 there is a large, underutilized basement space in both  
20 buildings, and what they are opposing to do with these  
21 applications is to repurpose and recapture that space in the  
22 basement of these very old buildings, which previously was

1 utilized for a boiler space, HVAC space and things like that  
2 which, frankly, are not required anymore with modern  
3 technology. So --

4           CONSTANTINE ALEXANDER: Have you considered -- has  
5 your client considered affordable housing in these units?  
6 Not only accessible, but affordable? The City of Cambridge  
7 needs affordable housing.

8           NICK ZOZULA: Not to this point. We have talked  
9 to Linda Prosnitz and others in the city. We don't -- at  
10 least by the strict letter of the law trigger the  
11 affordability component, because these are separate  
12 buildings.

13           We are not creating more than 10 new units in each  
14 building. Basically, we don't trigger the -- we don't have  
15 the belief that we meet the threshold of the inclusionary  
16 housing requirement. However, we're happy to have that  
17 discussion if the Board or the city so pleases.

18           But in discussing with planning and other folks  
19 and city staff, we've come to the conclusion that we don't  
20 actually trigger the affordable component under the IDP or  
21 the inclusionary housing costs.

22           CONSTANTINE ALEXANDER: What I have in mind, and

1 we've had this before the other petitioners, is that the --  
2 if we allow the apartments to be built, they not only be  
3 accessible, but affordable housing.

4           It may mean, and I think it should mean, you have  
5 slightly larger units. You won't have a one-bedroom. But  
6 the units would fulfill an important function for the city.

7           NICK ZOZULA: Yep.

8           CONSTANTINE ALEXANDER: I.e., more affordable  
9 housing. And I -- you know, it would have been nicer, in my  
10 opinion, if you came in and suggested you want relief for  
11 affordable housing. And if we granted relief, it would be  
12 subject to your proposed affordable housing.

13           As it is now, there is no possibility -- no legal  
14 possibility that these units will be affordable. In fact,  
15 they are small, and they're not really suitable for  
16 affordable housing, if you've got any sort of a family.

17           NICK ZOZULA: Well, to -- that's a fair point, Mr.  
18 Chair, and again we're happy to have the discussion once we  
19 go through the presentation. I think our response to that  
20 would be that these units would inherently be affordable by  
21 their location in the building.

22           But, again -- and to your point, the size of the

1 units will make them affordable in their own right.

2 However, again, we're happy to have that discussion with the  
3 staff or tonight.

4 I know that Kayla and Marc are on the line and  
5 ready to have that discussion if needed. So we haven't gone  
6 to that point with staff, we were never asked to provide  
7 affordable units, as far as I can recall.

8 But again, you know, if that's something that the  
9 Board would like to discuss or bring up, we're of course  
10 happy to entertain that.

11 CONSTANTINE ALEXANDER: Thank you.

12 NICK ZOZULA: [If we can go to the next slide and  
13 I'll be done, and then I'll pass it over to the architects,  
14 who can go over the plans in a little more detail.] But  
15 quickly, we just wanted to show the proximity of these  
16 properties, which I'm sure you're all familiar with the  
17 area.

18 But it's a short walking distance to multiple  
19 points of transportation, including the Porter train  
20 station, which is 0.4 miles away. It's located in a  
21 transit-oriented area between Mass Ave and Somerville  
22 Avenue; multiple bus routes with connections all over the



1 City of Cambridge, City of Boston, et cetera.

2 It's centrally located to many shops, grocery  
3 stores, et cetera. And it's also within short walking  
4 distance, as you can see in front of you right now, with  
5 both a half mile radius and a mile radius of multiple  
6 bicycle-sharing Bluebike stations at Porter Square, Wilson  
7 Square, Zipcar availability as well.

8 And we bring that up simply because we are in  
9 front of the Board tonight for a special permit for  
10 reduction of off-street parking as a result of this  
11 proposal, and just to orient the Board members to where this  
12 is in regard to those amenities for people who live in the  
13 building and who might live in these additional units if  
14 approved.

15 CONSTANTINE ALEXANDER: So am I correct that you  
16 want to add 15 residential units in the building but  
17 previous no off-street parking for those 15 units?

18 NICK ZOZULA: Yes, sir. And the architect can go  
19 through the site plan in a little bit more detail, but there  
20 are some spaces -- there are 22 existing spaces, which will  
21 remain as part of this.

22 We're not proposing to expand the building

1 envelope whatsoever to add these units. We are proposing a  
2 small elevator to provide access to these accessible units  
3 in the basement of 16-18 Forest, but we're not proposing to  
4 expand the building at all or take away any existing  
5 parking.

6 And based on these unit sizes and their location  
7 in the building, you know, our internal review of the  
8 parking ability on site would be sufficient that the parking  
9 is not used currently to its full capacity, even with all  
10 those units, based on the location of the buildings, both in  
11 the city and with regard to the transit proximity map you  
12 have in front of you now.

13 But Marc and Kayla could speak to that if they  
14 want to add more to that, if that pleases the Board. We can  
15 certainly highlight that issue in more detail.

16 CONSTANTINE ALEXANDER: Okay. But again, I want  
17 to just make sure we have the facts clear on the record.

18 NICK ZOZULA: Yes. Yes, sir. So we would be  
19 going for a special permit, Mr. Chair, in adding these units  
20 without any additional parking, but frankly --

21 CONSTANTINE ALEXANDER: Okay, so right --

22 NICK ZOZULA: There's no room for it on the site,

1 the way the site is currently.

2           CONSTANTINE ALEXANDER: Understood. But right  
3 now, there are 123 units, should we grant you the relief  
4 tonight that you're seeking, you'll go to 138 units?

5           NICK ZOZULA: Yes, sir.

6           CONSTANTINE ALEXANDER: And for those 138 units,  
7 there will be 24? 20, I forget how many --

8           NICK ZOZULA: 22.

9           CONSTANTINE ALEXANDER: 23 --

10          NICK ZOZULA: 22.

11          CONSTANTINE ALEXANDER: -- parking spaces. So,  
12 you know, obviously what, one-sixth of the number of -- it's  
13 a bad ratio, in my view.

14                I mean, you're talking parking is an issue in  
15 Cambridge, especially and you're talking about a densely  
16 populated neighborhood where parking is pretty dense -- is  
17 in demand, and you're going to add to the burden of this  
18 neighborhood when it comes to parking of automobiles,  
19 because you're providing no additional parking -- and I  
20 understand why --

21          NICK ZOZULA: Right.

22          CONSTANTINE ALEXANDER: -- but you are adding as

1 many as 15 units.

2 NICK ZOZULA: That is correct, yes. I mean, I  
3 would note, frankly, that 16 of these 18 units are studios  
4 and one-beds. Only two of them are two beds, based on the  
5 size of the basement and the ability to put units in  
6 basement that comply with, you know, building standards.

7 So 16 of those 18 units are one-beds or less, and  
8 I know that in reviewing the parking numbers on site, the  
9 way the current utilization is of the parking, that the team  
10 and the ownership is prepared to provide these units without  
11 additional parking.

12 But again, we're happy to have that discussion  
13 with Transportation and Parking. We're happy to come up  
14 with a creative solution, if that's requested. And again, I  
15 would just note that we would suggest this is --  
16 respectfully -- that this is a very transit-oriented  
17 location, as shown again by the map.

18 But I don't want to belabor the point. You make a  
19 valid point. Yes, we are not providing any more additional  
20 parking for these 15 units.

21 CONSTANTINE ALEXANDER: I have to make one last  
22 comment. You say if you grant your relief tonight, you're



1 willing to have this discussion. What's the city's living  
2 in that discussion? You got what you want.

3 NICK ZOZULA: True.

4 CONSTANTINE ALEXANDER: You can just say, "Sorry,  
5 but we can't do anything better than that. We told the  
6 Board, and off we go." And if we have a -- as a Board, if we  
7 have a problem with what you're proposing, that's too late.

8 We can't wait to grant you the relief and then  
9 have some discussions. It should be the other way around.  
10 You should have the discussions, and come up with some  
11 compromises that would -- we can take into account when  
12 voting on the merits.

13 And again, I'm going to return to the lack of  
14 affordable housing that's being added to the 15 units.

15 NICK ZOZULA: Yes, sir. So I know that we did  
16 have some discussions early on with planning, in terms of  
17 parking and -- you know, perhaps if it's required that the  
18 Board could provide a condition on any approval.

19 And we're happy to provide some sort of a transit-  
20 oriented program for these units, in order to, you know,  
21 minimize the burden this it may provide on off street  
22 parking or on the parking lot on the property.

1           But again, our belief is that based on current  
2 utilization, these units would not have a car, frankly,  
3 based on what they know about the building today.

4           ANDREA HICKEY: Mr. Chair, may I ask a question?

5           CONSTANTINE ALEXANDER: Go right ahead, Andrea.

6           ANDREA HICKEY: Thank you. If I could ask Counsel  
7 what specifically do you mean by "The current parking is  
8 underutilized"? There are 22 spaces. Are you suggesting  
9 that those are not all rented at present?

10          NICK ZOZULA: Yes, I am.

11          ANDREA HICKEY: Okay.

12          NICK ZOZULA: And if you don't mind, I would be  
13 happy to allow Marc or Kayla from Akelius to expound on that  
14 if you'd like, because they're the ones who --

15          ANDREA HICKEY: I'd like a little more detail on  
16 that, yes please.

17          NICK ZOZULA: Sure. Kayla or Marc, I don't know  
18 if you're on, if you could chime in with more detail?

19          CONSTANTINE ALEXANDER: Do they know how to do it?  
20 You have to -- let me read the instructions to them, because  
21 --

22          NICK ZOZULA: Sure.

1           CONSTANTINE ALEXANDER:  -- just in case.

2           KAYLA ROBERTSON:  Can you guys hear me?

3           CONSTANTINE ALEXANDER:  You got?

4           NICK ZOZULA:  Yes, there's --

5           CONSTANTINE ALEXANDER:  Oh, good.

6           NICK ZOZULA:  There's Kayla right there.

7           CONSTANTINE ALEXANDER:  All right, all right.

8           NICK ZOZULA:  Go ahead.

9           KAYLA ROBERTSON:  Oh, perfect.  Okay.  Hi, so I'm  
10 the Asset Manager for the property.  This is part of my  
11 portfolio.  So we've owned the property for about three  
12 years now, and the parking itself has never been 100 percent  
13 occupied there.

14           You know, as Nick sort of mentioned before, where  
15 it's located public transportation, a lot of bikes -- things  
16 like that, it really hasn't been 100 percent utilized since  
17 the beginning.

18           I would say now out of the 22 spaces that we have,  
19 we're probably about 40 percent maybe occupied.  Half of the  
20 spaces are currently vacant.  So that's sort of where this  
21 comes into play when we're talking about the spaces are not  
22 fully utilized for the last couple of years.

1           ANDREA HICKEY: Could I ask you on an average what  
2 those spaces rent for monthly?

3           KAYLA ROBERTSON: I believe they're between \$125  
4 and \$150 per month per space.

5           ANDREA HICKEY: That's all from me at the moment.

6           BRENDAN SULLIVAN: This is Brendan Sullivan. I  
7 have a question for Kayla or for Counsel regarding parking  
8 or lack of parking, but are there any provisions made for  
9 bicycle storage; either bike racks or indoor bicycle storage  
10 on site?

11           KAYLA ROBERTSON: Yeah, we do right now have some  
12 bicycle racks. We have one in each side of the basement,  
13 and the plans that Rich will kind of go through, and the  
14 slides that will be coming up showed space that we have in  
15 the basement will allow for additional bike storage.

16           CONSTANTINE ALEXANDER: How many?

17           KAYLA ROBERTSON: Is that something that you --

18           CONSTANTINE ALEXANDER: How many additional bike  
19 storage units would be made available?

20           KAYLA ROBERTSON: I don't know off the top of my  
21 head, but we can look at the plans shortly.

22           BRENDAN SULLIVAN: Kayla, is there any room on



1 site that would accommodate enclosed bike storage? Or are  
2 you pretty much site bound?

3 KAYLA ROBERTSON: Yeah, yeah. So the storage  
4 would be indoors within the basement that we're talking  
5 about.

6 BRENDAN SULLIVAN: I'm sorry, the storage would be  
7 where?

8 KAYLA ROBERTSON: Inside, in the basement.

9 BRENDAN SULLIVAN: It would be all inside in the  
10 basement?

11 KAYLA ROBERTSON: That is correct.

12 BRENDAN SULLIVAN: Okay.

13 NICK ZOZULA: Yep. Mr. Chair, if you don't mind,  
14 we can go through the presentation. Some of these questions  
15 we can illustrate better.

16 CONSTANTINE ALEXANDER: It's your presentation,  
17 however you want to go ahead.

18 NICK ZOZULA: So with all these questions, if we  
19 could just go to the next slide, it's the last slide for me,  
20 and then it will go -- so again here is just the site plan  
21 showing 16-18 Forest Street to the bottom of the screen.  
22 That's where we are proposing to provide those seven new

1 accessible units and one accessible renovated unit. There  
2 is a unit down there already, and we're looking to renovate  
3 that.

4 And that would be four studio units, two one-bed  
5 units, and 2 two-bed units in 16-18 Forest. And those would  
6 be those eight accessible units.

7 And then to the top of the screen, at the 17-19  
8 Forest, those would all be one-bedroom units, and we are  
9 proposing to add eight standard units, and two renovated  
10 standard units for a total of 10 units in that basement.  
11 And those would all be one-beds.

12 So total, we are proposing four studio units, 12  
13 one-bedroom units, and 2 two-bed units as a result of this  
14 proposal.

15 If you can go to the next slide.

16 In this next slide, we'll just show you -- again,  
17 basically what I just said, and it also highlights the  
18 zoning relief that we require. I'm happy to go over this in  
19 more detail at the end of the presentation, but in sum, all  
20 of those relief that we require are long-existing  
21 nonconformities.

22 There are things that have been existing on the

1 site for 100 years, and this project granted would make them  
2 slightly more nonconforming with regard to things such as  
3 the amount of units, the floor area ratio and the like.

4 But all the zoning relief that we require and my  
5 understanding is a result of existing nonconformities.

6 So with that, I can have Rich Rankin from CI  
7 Design go through the plans. And I think a lot of the  
8 questions that the Board has asked so far, he can illustrate  
9 those better with pictures.

10 So Rich, if you want to take over?

11 RICHARD RANKIN: Thank you, Nick. Can everybody  
12 hear me?

13 ANDREA HICKEY: Yes.

14 CONSTANTINE ALEXANDER: Yes.

15 RICHARD RANKIN: Very good. So the next series of  
16 slides -- what we'll try to do is give the Board a bit of a  
17 flavor of what these buildings look like, what the existing  
18 site configuration is.

19 And then we'll get into a little bit more detail  
20 on the lower levels, which are really at the center of this  
21 relief that we're seeking and go into a little more detail,  
22 and show you how the units lay out and also the access to

1 those units in 16-18.

2           So this is just a series of photographs -- four-  
3 story building over a lower level, which is half buried  
4 below grade; very nice windows at that lower level, so we  
5 can get very nice units down there.

6           Again, as Nick mentioned, the reason that this  
7 effort has taken place is, you know, Akelius has acquired  
8 the property and made a commitment to renovate every unit in  
9 the building. They ran up against the threshold with the  
10 accessibility requirements.

11           We met with the AB, and they allowed us, based on  
12 impracticality of trying to access these upper units -- you  
13 know, ramps and lifts and so on -- allowed us the use of 16-  
14 18 to provide accessible units, which were a requirement of  
15 the ADA.

16           And subsequent to that, there was an opportunity  
17 to put units in 17-19 as well, standard units, and that is  
18 where we are today, looking for some relief. So we can just  
19 kind of go through these fairly quickly and get to the  
20 plans.

21           As part of the renovation to the site, there has  
22 been rework of the courtyards, new landscaping, new paving,



1 new sidewalks and repair of the stairs and so on.

2           So we can move -- we can really move through  
3 these.

4           I'm sure the Board is fairly familiar with this.  
5 This set of photographs shows -- if you go back to -- sorry,  
6 one back will show the interiors. It really depicts the  
7 underutilized areas in those lower levels. On the left upper  
8 left corner is an existing apartment unit, in that lower  
9 level. The one below that is a field office.

10           And you can see there's some laundry down there.  
11 There is some bicycle storage and some tenant storage down  
12 there. The laundries will stay for a short time, as the  
13 units are being renovated. Each unit will have its own  
14 washer/dryer and some of the space will become available for  
15 bike storage as well.

16           As you can see, it's underutilized. The plan here  
17 is that we're going to have to take the slab out, lower the  
18 slab to get enough ceiling clearance, and during that time  
19 we will create a new membrane underneath that slab to  
20 waterproof this lower level.

21           I think historically Marc -- and correct me if I'm  
22 wrong, but -- there really hasn't been any water issues

1 here. The planning has some concerns about high water  
2 potentials table is there, and this is a way to mitigate  
3 that, along with the normal water work that was also done  
4 with the courtyard work.

5 We can go to the next slide.

6 So this shows the plans of the lower level units.  
7 As Nick mentioned, we had four studios -- 2 one-bedrooms and  
8 2 two bedrooms in that lower level, and --

9 CONSTANTINE ALEXANDER: Excuse me, could I -- this  
10 is Gus Alexander. Could you give me a sense of the  
11 dimensions? How big are the two-bedrooms? How big are the  
12 studios, in the square feet, roughly, and how big are the  
13 one-bedrooms?

14 RICHARD RANKIN: The two-beds are in the 800-  
15 square-foot range.

16 CONSTANTINE ALEXANDER: Okay.

17 RICHARD RANKIN: Studios are in the 450- range,  
18 and the one-bedrooms are in the 600- range, I would say.

19 ANDREA HICKEY: Could you tell me for the  
20 accessible units, how large those units are, how that breaks  
21 out?

22 RICHARD RANKIN: I'm sorry, I missed that.

1           ANDREA HICKEY: For the accessible units --

2           RICHARD RANKIN: Mm-hm.

3           ANDREA HICKEY: -- in terms of size -- studio,  
4 one-, two- how do those break out?

5           RICHARD RANKIN: These --

6           ANDREA HICKEY: Which of those are devoted?

7           RICHARD RANKIN: Yeah. These units in 16-18 are  
8 all accessible units. They meet the requirements of  
9 accessibility guidelines and requirements. So they're all  
10 accessible -- bathrooms, kitchens, bedrooms and the like.

11           So these are all accessible units, and they're  
12 accessible via new vestibules that we'll see in the upcoming  
13 slides. Those vestibules occur in the interior crux of the  
14 perimeter of the building, and they allow wheelchair access  
15 via lift to this lower level, and also a stair.

16           ANDREA HICKEY: And presently there are no  
17 accessible units?

18           RICHARD RANKIN: No accessible units, currently  
19 none.

20           ANDREA HICKEY: Thank you.

21           RICHARD RANKIN: No, the configuration of the  
22 building, it's a level up to the first floor. There were --



1 you know, thirty units spread across the property that were  
2 not accessible. Each area you can see there's porticos that  
3 serve four units per floor. Through a series of lifts and  
4 ramps and so on... it was impractical too to try to access  
5 these upper units, and AAB agreed with our finding on that.

6 JIM MONTEVERDE: I'm sorry, was that -- this is  
7 Jim Monteverde. When you say, "AAB" was that the City of  
8 Cambridge, or was that the Massachusetts Access Board?

9 RICHARD RANKIN: It was Massachusetts.

10 JIM MONTEVERDE: So they reviewed the layout and  
11 the configuration in order to meet the accessibility  
12 requirements, and they've accepted that as an option?

13 NICK ZOZULA: Correct. They've given us variances  
14 for --

15 JIM MONTEVERDE: So you've applied for a variance  
16 to be able to do this?

17 NICK ZOZULA: Correct.

18 JIM MONTEVERDE: An MAAB variance?

19 RICHARD RANKIN: Correct.

20 NICK ZOZULA: We've applied and been granted as of  
21 2000, the end of last year, 2019.

22 JIM MONTEVERDE: Right, as a variance. Because

1 again I've --

2 NICK ZOZULA: Yes sir, yep.

3 JIM MONTEVERDE: Because I've never seen a  
4 configuration like this that basically clusters accessible  
5 units --

6 NICK ZOZULA: Right.

7 JIM MONTEVERDE: -- specifically in a basement.  
8 The typical concept is that those units -- because you're  
9 exactly at the MAAB required number. Once you add the new  
10 apartments, you're exactly at 5 percent, in terms of the  
11 numbers of accessible, I think?

12 NICK ZOZULA: Yes, sir. We're actually one over.

13 JIM MONTEVERDE: Right.

14 NICK ZOZULA: It's accessible required to be 6.9  
15 and --

16 JIM MONTEVERDE: And you're?

17 NICK ZOZULA: -- we're at 7.

18 JIM MONTEVERDE: 7.

19 NICK ZOZULA: And we're proposing 8, and that's a  
20 very good point, Mr. Monteverde. We did get a variance for  
21 9.4.2 from the MAAB --

22 JIM MONTEVERDE: Right.

1           NICK ZOZULA: -- for the CMR for the distribution  
2 of the dwelling units.

3           JIM MONTEVERDE: Yeah, because that's the --

4           NICK ZOZULA: And that was basically -- that's  
5 just because of it's the nature of the beast with this  
6 building. But we got in practicality and just the amount of  
7 money it would take to put these units everywhere in such an  
8 old building. It's just --

9           JIM MONTEVERDE: Yeah, so --

10          NICK ZOZULA: It's not possible, so --

11          JIM MONTEVERDE: Yeah. Accessibility is usually  
12 blind to cost, although you've gone through the variance  
13 process.

14          NICK ZOZULA: Yeah.

15          JIM MONTEVERDE: I mean, I personally take it --  
16 have an issue with clustering all of the accessible units,  
17 as units in a basement, within a building. I mean, it's  
18 really -- it's segregation. You know?

19          NICK ZOZULA: Yeah.

20          JIM MONTEVERDE: And again, I understand that MAAB  
21 may have granted you a variance for it, but anything that  
22 this Board has to consider I would certainly not feel

1 comfortable with it.

2 NICK ZOZULA: Well -- go ahead, Rich.

3 RICHARD RANKIN: So if I can just jump in. The --  
4 this lower level in this particular building is -- and AAB  
5 agreed with us on this, is that this is the only area that  
6 we can add accessible units on the property.

7 JIM MONTEVERDE: Without installing an elevator, I  
8 assume?

9 RICHARD RANKIN: Well yes, correct. An elevator  
10 and some type of elevator vestibule of some sort.

11 JIM MONTEVERDE: Correct. Yep.

12 RICHARD RANKIN: In the courtyard. 1719 is almost  
13 a zero lot line building, so there is no way to get into the  
14 lower level there accessibly.

15 JIM MONTEVERDE: Right. So I'm assuming without  
16 doing renovation within -- I'm looking at the stair  
17 throughout the -- you know, I assume they connect to the  
18 floors up above, you know, without carving out a space in  
19 there or losing a unit that you then convert to -- you know,  
20 more traditional. I mean a building internal to it has  
21 elevator access.

22 I'm assuming you also don't have elevator access



1 to the floors above, or do you?

2 RICHARD RANKIN: These are all walk-ups.

3 JIM MONTEVERDE: They're all walk-ups.

4 RICHARD RANKIN: Yeah. And as I mentioned, each  
5 building has four main portico entrances, you know?

6 JIM MONTEVERDE: Yeah. I can see those by plan,  
7 correct.

8 RICHARD RANKIN: Yeah. And they serve three to  
9 four units per floor.

10 JIM MONTEVERDE: Yep.

11 RICHARD RANKIN: So there is no -- none are  
12 connected. They basically have a front entrance to the  
13 lobby stair, and then they have a fire stair, which is  
14 common to two or three units that goes down and out --  
15 typically out the back, going to the side of the building --

16 JIM MONTEVERDE: Yep.

17 RICHARD RANKIN: -- which have continued to be  
18 utilized.

19 JIM MONTEVERDE: Okay, thanks.

20 RICHARD RANKIN: So I think we can advance to the  
21 next slide. We may have to come back to this one, but we  
22 can advance to the next slide.

1           And this is an enlargement. It shows -- there's  
2 kind of a key plan in the right there, and it shows the  
3 configuration of this vestibule that we are proposing to  
4 provide the access to this lower level.

5           So it's basically off the parking area, and we  
6 have two of these, one on each side, because again, we can't  
7 get from one side to the other in this building. It's quite  
8 compartmentalized. That was some of the issues that we  
9 dealt with in trying to provide these units.

10           But it's basically an aluminum and glass  
11 enclosure, secure entrance. You can see the lift and the  
12 stair are just within that enclosure, and provide access to  
13 that lower level and circulation.

14           JIM MONTEVERDE: And could that lift not serve the  
15 floor above?

16           RICHARD RANKIN: There's a limit to how high you  
17 can go with the LULA.

18           JIM MONTEVERDE: Correct.

19           RICHARD RANKIN: And we would exceed that, so --

20           JIM MONTEVERDE: Okay.

21           RICHARD RANKIN: Unless we went for another  
22 variance for that or put an elevator in.

1           JIM MONTEVERDE: Or an elevator, correct.

2           RICHARD RANKIN: Yeah. Again, this is a different  
3 configuration on the basement level. The upper floor, there  
4 is no common corridor in the upper floors.

5           JIM MONTEVERDE: Uh-huh.

6           RICHARD RANKIN: Each of the units are fronting on  
7 the entrance lobby, or the lobby stair.

8           JIM MONTEVERDE: Gotcha, okay.

9           RICHARD RANKIN: None of them are -- you can't get  
10 to more than three units with an elevator. It's going up a  
11 floor.

12                    So we can go to the next slide.

13                    So these are elevations of what we're proposing  
14 for the entrance vestibule. Basically, aluminum and glass  
15 [2:47:03 audio unclear - wall storefront] and roof extension  
16 to provide some cover for the entrance.

17                    We can go to the next slide, which shows a little  
18 more context.

19                    Upper images are across the parking lot on Frost  
20 Street, looking back at 17, and it gives you the proportion  
21 and size to this vestibule that we're hoping to provide that  
22 access.



1           The slides at the lower left on this particular  
2 screen is where that vestibule pops in.

3           We can go to the next slide.

4           RICHARD RANKIN: And these are images of the  
5 interior and some pressing images that relate to some of the  
6 finishes and the flavor of that interior that we're trying  
7 to create.

8           And I think there might be one more. No.  
9 Actually, okay that concludes 16-18 I think, so.

10          NICK ZOZULA: Yeah, Rich, why don't you just keep  
11 going? I mean we've -- again, Mr. Chair, to your point,  
12 these are basically identical cases with the same zoning  
13 relief -- a little bit different in terms of the relief or  
14 the variation. They are the same.

15          If we could go back up to the few slides -- so  
16 Rich, can you just quickly go through these? I think this  
17 slide right there would be the first one.

18          Rich, if you just want to take over again quickly,  
19 and then --

20          JANET GREEN: Excuse me. So are we done talking  
21 about the interior layout? Because I have a question.

22          NICK ZOZULA: Oh, we can certainly go back, yes

1 ma'am.

2 JANET GREEN: Are we going to go -- or are you  
3 trying to move to the outside. I just want to make sure I  
4 get --

5 NICK ZOZULA: No, we can go back. That would be  
6 fine, right Rich? I mean, these are just -- this was just a  
7 very quick --

8 RICHARD RANKIN: Sure. So --

9 NICK ZOZULA: I don't know if you want to go  
10 through these quickly or not?

11 RICHARD RANKIN: Yeah.

12 NICK ZOZULA: We can go back.

13 JANET GREEN: So I had a question.

14 NICK ZOZULA: Sure.

15 JANET GREEN: Actually about the laundry, which it  
16 looked like -- who is that provided? It looked like it had  
17 something in the basement, but I wasn't sure if the laundry  
18 was accessible, or what other things? You know, I got a  
19 little confused about the accessibility question, about --  
20 you know, how do people get to the laundry, is that  
21 accessible to people?

22 NICK ZOZULA: Sure, sure.

1           JANET GREEN: So that's my question?

2           NICK ZOZULA: Yes. So currently, there are  
3 laundry rooms in the lower levels of both buildings, which  
4 would serve the tenants on the upper floors.

5           We -- it's going to be a phased situation as we  
6 move forward, because as we renovate the units, they get  
7 their own washer/dryer setups in each unit. So eventually,  
8 everyone will have their own, and we can utilize this  
9 current laundry space as storage -- bike storage, other  
10 uses.

11           But again, these units are being renovated as  
12 people -- as leases expire. Nobody gets -- you know,  
13 relocated or anything like that. So it's a process. And  
14 eventually these won't be required.

15           JANET GREEN: Mm-hm.

16           NICK ZOZULA: We do need to keep them in place for  
17 tenants in the upper floors. These units have not been  
18 renovated yet, until such time as they are. So they are  
19 accessible via the supplier stairs for upper floor tenants,  
20 and accessible to all of these units in these lower levels.

21           So then ultimately everyone -- when everything has  
22 been redone, everyone will have a laundry facility within

1 their own unit.

2 NICK ZOZULA: That's correct.

3 JANET GREEN: And this is just there for the time  
4 being, while you're working to get that taken care of?

5 NICK ZOZULA: Correct.

6 RICHARD RANKIN: Correct, correct.

7 JANET GREEN: Thank you.

8 NICK ZOZULA: So Rich, I don't know if you want to  
9 quickly go through 17-19 if Ms. Green's --

10 RICHARD RANKIN: Sure. 19, it's a bit more  
11 straightforward. 66 existing units. We're proposing an  
12 additional eight plus two, and for a total of 74 units. And  
13 we can just go through this.

14 A similar requirement for relief, and more  
15 photography that shows that these buildings are similar, but  
16 not identical. And basically similar configurations with  
17 regard to entrance and the other issues, with regard to  
18 accessing the lower level. It's more the zero lot line  
19 buildings, so there really isn't any opportunity on the  
20 perimeter to access that lower level.

21 So we'll continue to access that through the  
22 tresses and doorways that currently exist on Forest Street,



1 and those would be updated.

2 But again, this shows kind of the underutilization  
3 of that lower level. And we've got a little better ceiling  
4 height here, but we're going to do that same slab removal,  
5 and resupporting of the upper floor to allow for a  
6 mechanical system sprinkler and so on.

7 And as part of this renovation, the building is  
8 getting sprinkler and electric, HVAC and cooling and so on.  
9 So there's quite a bit of work that's being done and in this  
10 lower level there is some distribution in these levels.

11 So we can go to the next slide.

12 And this shows the configuration. Again, as Nick  
13 mentioned, they're all one-bedrooms; two renovated, two new.  
14 Or I'm sorry, two renovated, eight new. And they're all  
15 one-bedroom. So in a really similar configuration, and we  
16 do have that common access corridor that does not exist on  
17 the upper floors.

18 NICK ZOZULA: I think you can go to the last  
19 slide. I think that was it, right Rich? Yeah, so --

20 RICHARD RANKIN: Correct.

21 NICK ZOZULA: -- Mr. Chair and members of the  
22 Board, you know I think in some, the rationale behind this

1 application is that, you know, Akelius bought the property  
2 and the building was in need of major updates in the  
3 building, and within the units that are there now.

4 And so, they have taken it upon themselves in the  
5 last few years to make those updates and those renovations  
6 to the units, including things like -- again, you know,  
7 laundry, and other more efficient building options for their  
8 residents.

9 And as a result of that, we triggered the MAAB  
10 thresholds for accessibility. And in going to the MAAB, in  
11 discussing this at length with them, this was seen as the  
12 best opportunity to provide accessible units in these  
13 buildings that don't have any.

14 And so, that is in sum why we're here tonight.  
15 Because in order to do that, we need variances for the  
16 zoning ordinance and the special permit to be able to comply  
17 with the accessibility code, and also, update the property,  
18 as Akelius would like to do.

19 So that concludes our presentation. I am happy to  
20 go through some of the applicable variants and special  
21 permit standards in more detail. However, I know in the  
22 interest of time, we submitted supporting statements for



1 each of these in our applications.

2 We believe there is a hardship here under one of  
3 the prongs in terms of having to comply with the  
4 accessibility codes and in order to do so any other way than  
5 this would be impracticable, and the AAB made that finding,  
6 and that has created the need for the subject zoning relief  
7 that we're requesting in these applications in order to  
8 accommodate these new Group 2A units.

9 So we would suggest that the building structures  
10 themselves provide the hardship; their shape, configuration  
11 and outdatedness especially, which affect the structures  
12 ability to be accessible and thus comply with the zoning  
13 ordinance. So I understand there were some questions  
14 earlier. We're happy to revisit those, as the Chair or the  
15 Board sees fit.

16 And thank you.

17 CONSTANTINE ALEXANDER: Thank you. I do have a  
18 question. You really haven't dealt with the variance  
19 requirements. As you know, to get the variances you're  
20 seeking, you have to meet three tests:

21 A literal enforcement of the provisions in the  
22 ordinance would involve a substantial hardship, such

1 hardship as you can still use this building for units.  
2 You're not going to be able to increase the use -- the  
3 number of units in the building, because of -- without  
4 relief, but, you know, I don't see how you meet the  
5 substantial hardship test.

6           And the next is even worse:

7           The hardship is owing to circumstances relating to  
8 the soil conditions, shape or topography of such land or  
9 structures, and especially affecting such land structures,  
10 but not affecting generally the zoning district in which it  
11 is located.

12           And then the third is desirable relief may be  
13 granted, et cetera, et cetera. I think you sort of dealt  
14 with that. But you haven't addressed those first two  
15 reasons why, or justifications for getting the variance.

16           NICK ZOZULA: Yes, sir.

17           CONSTANTINE ALEXANDER: You focused all on  
18 accessibility --

19           NICK ZOZULA: Right.

20           CONSTANTINE ALEXANDER: And I understand that.  
21 Now I understand how that all works, but --

22           NICK ZOZULA: Right.

1           CONSTANTINE ALEXANDER: That doesn't justify you  
2 getting a variance.

3           NICK ZOZULA: Well, I mean, we would suggest that  
4 compliance with these -- you know, Akelius is trying to  
5 update the building to modern standards. These buildings  
6 are old. And in order to do that, they trigger a certain  
7 threshold under state law for accessibility in the state of  
8 Massachusetts. And therefore, that itself provides  
9 impracticability.

10           We can't add, because of the age of the building -  
11 - and Mr. Chair you did read the hardship is owing not only  
12 to the soil conditions, shape or topography of the land, but  
13 the structures themselves as well.

14           And we would suggest that the hardship is due to  
15 the structure. The structure is 100 plus years old, and  
16 it's a nonconformity for the area. It's I believe a  
17 Residence B subdistrict zoning district. So the actual  
18 multifamily use is not allowed in this location.

19           So we would suggest that, in fact the building  
20 itself -- the structure, as is in the specific requirements  
21 of the ordinance -- the structure itself is what provides  
22 the hardship.

1           And the ability for the applicant to reasonably  
2 update a building that has not been updated in some time,  
3 and frankly is in dire need of that update.

4           So I would suggest that a literal enforcement of  
5 these provisions would cause a substantial hardship, which  
6 is financial of course, but there is a hardship there, in  
7 order to use the building to its best and highest use, which  
8 is not to have these units be this old and this outdated, to  
9 this effect.

10           So that -- we would suggest that -- and again,  
11 we've included this in our narratives, which I'm happy to  
12 read into the record, but I don't think we need to -- that  
13 we would, to a certain extent, allow for us to comply with  
14 those specific requirements.

15           Now, is it a typical case where it's a grade or  
16 soil condition, or it's a uniquely shaped lot? No, granted,  
17 but the ordinance does talk about a structure, and  
18 especially affecting a structure, but not the Zoning  
19 District.

20           And this seems to me like a perfect case for that,  
21 because we are in a zone that doesn't allow for this type of  
22 use, it's an anomaly, but it's been an anomaly for 100



1 years.

2           And the nonconformities that -- the relief that  
3 we're asking for is not expanding the building envelope  
4 whatsoever, besides slightly, to add for that LULA elevator  
5 to those accessible units.

6           And these are all existing nonconformities with  
7 regard to the zoning code, both in terms of parking for the  
8 special permit, but also every one of the variances, as far  
9 as my understanding is, and our review with staff.

10           So we would suggest there is a reason for why we  
11 would comply with all of those variance standards. Now,  
12 again, I don't -- I grant you that it's not necessarily the  
13 typical reason, but if this was ground up construction it  
14 wouldn't be built like this, right? It would be built in a  
15 way that would be completely accessible.

16           So I think that Akelius is, frankly, doing the  
17 best they can with what they were given, with a property  
18 they purchased a few years ago, and they're doing their best  
19 to comply with everything that they can, in order to do so.

20           So that would be our suggestion, but I understand  
21 that, you, there might be some different opinion. But  
22 that's how we would put it. And I'd be happy to have



1 further discussion on that, of course, Mr. Chair.

2 BRENDAN SULLIVAN: This is Brendan Sullivan.

3 Counsel, I can understand that the amount of capital

4 expenditures trigger a certain threshold. If you were not

5 to touch the basement at all, not to -- and any of the 15

6 units, and continued with the capital expenditures program

7 that you are, how many units would you have to make

8 accessible?

9 JIM MONTEVERDE: 6. 6.15.

10 BRENDAN SULLIVAN: And --

11 JIM MONTEVERDE: 23 units; five percent is 6.15.

12 I think the point is there's no place to put them. But what

13 you're saying is economically.

14 BRENDAN SULLIVAN: Well, that's -- I guess --

15 JIM MONTEVERDE: Yeah, I'm sorry.

16 BRENDAN SULLIVAN: -- I'm going down, is that

17 economically it would be prohibitive, because in order to

18 meet all the variable standards you would have to

19 reconfigure all the units, and then eventually probably two

20 units become one unit, because of all the accessibility

21 requirements.

22 Maybe I can talk to Jim or to Counsel. Is that a

1 fair assessment, Jim Monteverde?

2 JIM MONTEVERDE: That's the way I'm reading  
3 between the lines in the presentation. It's going to have a  
4 follow up question.

5 BRENDAN SULLIVAN: So that --

6 JIM MONTEVERDE: I think it's difficult to do. It  
7 poses definitely an economic impact, where you --

8 BRENDAN SULLIVAN: But you have to reconfigure --

9 JIM MONTEVERDE: -- try and achieve those units  
10 inside the building, both to reconfigure the structure for  
11 an elevator, and I don't know what else. The way the  
12 building is set up, it could really mean you'd have to go  
13 back to negotiate with MAAB, whether you need two elevators,  
14 because the corridors don't connect.

15 And I think you're right, Brendan, you probably --  
16 you'd have to reconfigure apartments, because they may not  
17 be big enough, or you would have to convert a 1 two-bedroom  
18 apartment to a 1 for all the space that you would need to  
19 make it --

20 BRENDAN SULLIVAN: Right.

21 JIM MONTEVERDE: -- accessible. But I think  
22 you're always trapped that you probably wouldn't make your

1 count. It's a pickle. And you're forced to do it. You  
2 have to comply, or --

3 BRENDAN SULLIVAN: Right.

4 JIM MONTEVERDE: -- you have to go back for  
5 another variance.

6 BRENDAN SULLIVAN: Right.

7 JIM MONTEVERDE: I mean variance -- MAAB variance,  
8 yeah.

9 BRENDAN SULLIVAN: Right, so.

10 JIM MONTEVERDE: The question I was going to ask  
11 relative to that, just to follow up on Brendan's is tell me  
12 you found this when you did your due diligence before you  
13 purchased the property?

14 BRENDAN SULLIVAN: Ill defer to Kayla or Mark on  
15 that. I wasn't involved at that point with the purchase,  
16 and luckily, I'm just on the zoning side.

17

18 JIM MONTEVERDE: Yeah.

19 BRENDAN SULLIVAN: I don't know, Kayla, if -- or  
20 Marc, if you --

21 KAYLA ROBERTSON: Sorry, what was the question?

22 JIM MONTEVERDE: The question is this is obviously

1 inherent to the building itself. Did this come out in your  
2 due diligence before you purchased the property?

3 KAYLA ROBERTSON: I'm actually not sure. I was  
4 not in the position that I'm in when we took over the  
5 property.

6 JIM MONTEVERDE: Right.

7 KAYLA ROBERTSON: I mean, it's something that we  
8 could certainly look into, but I'm not 100 percent sure on  
9 that.

10 JIM MONTEVERDE: I would have to assume that you  
11 would, because --

12 KAYLA ROBERTSON: Yeah.

13 JIM MONTEVERDE: -- your intention is obviously to  
14 spend this money to do an upgrade.

15 KAYLA ROBERTSON: Correct.

16 JIM MONTEVERDE: That was going to kick you into  
17 the MAAB requirements. So my sense is that you -- that done  
18 the due diligence, you knew this was coming, because you've  
19 already been to MAAB to try and solve --

20 NICK ZOZULA: Yes.

21 JIM MONTEVERDE: -- the issue by getting their  
22 agreement to place them all in the basement. Again, my



1 issue is just it's really whatever you've agreed to with  
2 MAAB is just clustering them all in the basement is a  
3 particularly unusual location, and one that I would find  
4 absolutely objectionable.

5 KAYLA ROBERTSON: Yeah, I think --

6 JIM MONTEVERDE: But I can see in that whole  
7 configuration how you were driven to -- how you came up to  
8 that as a solution. It's kind of the path of least  
9 resistance to give you the numbers that need.

10 KAYLA ROBERTSON: Right. I think the goal here  
11 was to -- you know, in order to do this trying to be  
12 proactive, and, you know, I totally understand where you're  
13 coming from in terms of the one building and sort of, like,  
14 steering people that way.

15 But, you know, kind of to Nick and Rich's point,  
16 it's a very difficult building to try and work with. So I  
17 think we're just trying to work with what we have and -- you  
18 know, unfortunately it's -- you know, we're trying to find a  
19 win-win solution for both sides here.

20 NICK ZOZULA: Yeah. And Mr. Monteverde, to that  
21 point -- I'll piggyback on Kayla -- you know, my  
22 understanding from just initial discussions on this back



1 with the MAAB and when Akelius bought this property was I  
2 think they were understanding that this would be the case,  
3 but I don't think they understood to what extent and  
4 difficult it was going to be.

5 And so, we worked very hard with Tom Hopkins at  
6 the AAB, who has now passed on, unfortunately, and the staff  
7 at the AAB to get to this point, and felt that it would be  
8 more helpful for us to have gone to them first and come to  
9 the Board here tonight, because just that was -- in talking  
10 with them at the outset, that's what they asked us to do.

11 And to your point about the distribution of the  
12 Group 2A units, it's a very valid point, and I know that we  
13 worked very hard with the AAB on that point.

14 And the ultimate decision, or the ultimate push in  
15 doing this was that the AAB preferred to have some  
16 accessible units in the building, versus none.

17 And I know that's not always the best argument;  
18 it's a little bit of an argument I'd use with my  
19 kindergartener at home, but that is kind of the way it  
20 landed, was -- you know, push comes to shove, this is a  
21 better solution, versus having none in the building, and it  
22 was a better solution, versus having outdated units in the

1 building, which Akelius would have had to do if this wasn't  
2 granted by the AAB, and if it's not granted tonight by the  
3 Board.

4           So you're right, it is a difficult situation. But  
5 they -- I think it was a decision that needed to be made to  
6 get to this point, so.

7           KAYLA ROBERTSON: Was there any consideration to  
8 putting accessible units in both buildings? What troubles  
9 me in addition to their all being in the basement is to  
10 their all being in one building.

11           NICK ZOZULA: That's a great question. Rich, you  
12 can answer that better than I, but I know it comes down to  
13 the fact of the other buildings at the lot lines, and  
14 doesn't allow sufficient ramping, and/or ability to provide  
15 the same LULA in this side, right? But you can -- I know  
16 you can answer that more eloquently than I can, so.

17           Well, I think, you know, as we went to AAB and  
18 Akelius's goal here was to, you know, make this building --  
19 these two buildings -- fit the Akelius standard for unit  
20 types.

21           So, you know, as this went forward, we hit the  
22 threshold, and it was either figure out a way to provide

1 accessible units or get a variance from AAB, or the units  
2 were not -- there were going to be no more units that were  
3 going to be renovated.

4           So during that process, we proposed, and AAB  
5 agreed, that this was the only practical solution. We had  
6 to show impracticality, and this was the only practical  
7 solution. And there is no way to -- what 1618 allows is  
8 these vestibules.

9           You can get to these vestibules to provide access  
10 to the lower level. 17-19 is not the case, because it's a  
11 zero-lot line building. So the courtyard is the only access  
12 point. There are some -- you know, in the back there's,  
13 like, zero side yard, and the back yard is basically an area  
14 of refuge for the fire stairs. So there's no access back  
15 there.

16           ANDREA HICKEY: Well, I think it would be worse if  
17 the entrance for people that needed accessibility was in the  
18 back of the building. So -- but if I'm hearing you  
19 correctly, there are sort of valid architectural reasons for  
20 not spreading these units among the buildings?

21           RICHARD RANKIN: Yeah, it's --

22           JIM MONTEVERDE: I don't think they're

1 architectural issues. I think they're economic issue.

2 ANDREA HICKEY: All right, Ji, can you speak to  
3 that a little bit? Because I'm struggling with that.

4 JIM MONTEVERDE: It's an economic issue. I mean -  
5 -

6 ANDREA HICKEY: So it's an impossibility then, to  
7 make some of these accessible units in the other building?

8 JIM MONTEVERDE: Yeah. I wouldn't know that  
9 without studying it or asking the presenter to present it in  
10 detail, to see how you could enter the other building, if  
11 that's the point, either through the courtyard or otherwise;  
12 that they're absolutely trapped, that there's no way to get  
13 there.

14 ANDREA HICKEY: Right.

15 JIM MONTEVERDE: Either from the sidewalk or from  
16 the courtyard. The courtyard looks like it gets you access  
17 to the four particular entries, and whether that has any one  
18 of those four, or all four have the opportunity for the same  
19 LULA that's presented in the other building.

20 I can't tell. It doesn't seem like -- I can't  
21 tell if it's an architectural issue. It certainly would  
22 mean that the buildings -- the existing buildings would not



1 be able to remain intact.

2           There would be a significant amount of renovation  
3 work that would have to be done -- demolition,  
4 reconstruction, et cetera -- to be able to put those units  
5 either in the other building, or to be able to spread them  
6 out within -- you know, either building.

7           I think it's economic. Architecturally, there's  
8 always a way to solve it. It's painful, and it's costly,  
9 but that's the way to do it.

10           ANDREA HICKEY: Yeah. Well, taking that for what  
11 it's worth, I am troubled by all of the accessible units  
12 being concentrated in the basement in one building. That's  
13 something I'm troubled by.

14           BRENDAN SULLIVAN: This is a Brendan Sullivan. If  
15 I could sort of make a comment. You know, we sit here on  
16 Thursday nights and people come down before us and  
17 constantly requesting that we allow them to add onto  
18 buildings, houses.

19           And the question is why, and they say, "Well it's  
20 too small. It's too small, too old." And "When did you buy  
21 it?" "Well, we just bought it a year, two, three years  
22 ago." So the question is, "Well, if it was too small then,



1 why did you buy it?"

2 Now the question that the Chairman asked you was  
3 the hardship. And then part of the answer was, "Well the  
4 building itself is the hardship." And yet, it wasn't a  
5 hardship when you bought it.

6 I think where I'm going with this -- what I would  
7 like to see is I can understand the need that you're being  
8 encumbered by providing accessible units. And it would be  
9 prohibitive, I think to incorporate those into the existing  
10 building logistically. It's very, very difficult.

11 So we are putting unused space into apartments.  
12 And what I would like to see is that we're adding 15 units,  
13 whatever we are required to do for handicapped or accessible  
14 unit requirement, and that the rest of the units be  
15 affordable housing.

16 And that we also found out that the parking area  
17 is underutilized, and that I would like to see some covered  
18 bicycle storage in that underutilized area. Now let me --  
19 this is Gus Alexander; I want to endorse what Brendan just  
20 said. I think what's missing here.

21 I mean I think what's missing here is any attempt  
22 to deal with the affordable housing situation in the City of

1 Cambridge. You're asking us to increase the value of your  
2 property, and that's what you're -- this is all about. You  
3 want to add more rental units, so you can make more money.

4 And how about giving something back to the city?  
5 How about giving some affordable housing units that will  
6 help the needs of the city?

7 So I'm not in favor of granting you relief  
8 tonight, I'll be very up front. You can vote against it. I  
9 don't see a spirit of cooperation here, and I don't see an  
10 attempt to really deal with the legalities, except for the  
11 problems with accessible units.

12 And the legality here is you've got to meet the  
13 standard for a variance, as set by state law. And I've read  
14 the two key ones, and I haven't heard -- to my mind, anyway,  
15 that you've met those.

16 So I'm troubled. I'd be less troubled if there  
17 was some attempt to provide more -- some of these units, a  
18 lot of these units, hopefully, for affordable housing.

19 NICK ZOZULA: Mr. Chair, if I may respond to that  
20 statement, if that's amenable to?

21 CONSTANTINE ALEXANDER: Say it again, please?

22 NICK ZOZULA: May I respond to that?

1           CONSTANTINE ALEXANDER: Oh, of course, of course.

2           NICK ZOZULA: Okay. I didn't want to step on any  
3 toes if this was an internal discussion.

4           CONSTANTINE ALEXANDER: No, no, no, no, no, go  
5 right ahead.

6           NICK ZOZULA: Okay. It's hard to judge body  
7 language on a Zoom call.

8           CONSTANTINE ALEXANDER: I know.

9           NICK ZOZULA: So to that effect, again, you know,  
10 I think we'd be happy to provide some voluntary affordable  
11 units. And whether that's a discussion that needs to be had  
12 now, or a discussion that needs to be had with the Housing  
13 folks -- with Linda Prosnitz or others, we're happy to have  
14 that.

15           And, you know, I mean frankly, if we -- I think we  
16 would be more than happy to provide -- if these were 15 new  
17 units, let's just suggest this is at a ground up  
18 construction of 15 new units -- what would the affordable  
19 component be at that development? I believe it's -- is it  
20 20 percent in Cambridge? I'm not 100 percent sure, but we  
21 would be happy to work with the city to do that, if that's  
22 amenable to the Board.

1           CONSTANTINE ALEXANDER: I think -- I'm sorry, I  
2 didn't mean to interrupt you, I apologize.

3           NICK ZOZULA: It's okay. No, no, I was done. I  
4 think the point being is we're happy to have that  
5 conversation.

6           For whatever reason, I think we started to have  
7 that conversation with folks and with staff at one point or  
8 another. We provided our rationale and our summary as to  
9 why these projects are not applicable in terms of to strict  
10 affordability requirement, because we don't cross the  
11 thresholds because of the net units and the amount of square  
12 footage we're adding.

13           We were never asked, frankly, as far as I can  
14 recall, by planning to voluntarily provide any affordable  
15 units.

16           Now that being said, we're happy to have that  
17 discussion now, and I think in talking with Kayla and Marc,  
18 that's amenable to us. So if that something that the Board  
19 would like, you know, whether it's right now or otherwise,  
20 we're happy to continue this and have a discussion offline  
21 with the affordable folks to come to, you know, some sort of  
22 an understanding or a voluntary contribution.



1           CONSTANTINE ALEXANDER: That's what I'm  
2 suggesting.

3           JANET GREEN: I --

4           CONSTANTINE ALEXANDER: Sorry? I was going to  
5 suggest that we -- I hate to do this, but continue this case  
6 to allow you to have the discussions with the city officials  
7 regarding affordable housing, and come back to us with a  
8 specific proposal. I think --

9           JANET GREEN: Gus --

10          CONSTANTINE ALEXANDER: -- that's the only way.

11          JANET GREEN: -- if we're going to continue, and  
12 it sounds like we're going to go in that direction of  
13 continuing -- I would like to have a chance to speak to the  
14 parking question too, so that that would be taken care of in  
15 the same timeframe.

16          ANDREA HICKEY: Janet, do you mean having bicycle  
17 storage in the parking area, as Mr. Sullivan suggested?

18          JANET GREEN: I do. I walk on that street a lot.  
19 The parking on the street is crowded. It's a big problem  
20 for that neighborhood.

21          NICK ZOZULA: Yes, yes.

22          JANET GREEN: And I think adding this number of



1 apartments without dealing with the parking question -- and  
2 I would suggest that they come to use with a thought about  
3 how you're going to deal with bicycles, whether there's  
4 going to be something like a Zipcar space or two Zipcar  
5 spaces or that sort of thing, which would help get these  
6 cars off the street.

7 Right now, I could probably walk down that street,  
8 and it would be fully parked up. It's a problem, and I  
9 don't think we should let it go past.

10 CONSTANTINE ALEXANDER: Thank you, Janet. Should  
11 I make a motion before -- to continue this case? Is that --  
12 I'm certainly getting a nod from Brendan, at least. Okay?

13 ANDREA HICKEY: Yes.

14 CONSTANTINE ALEXANDER: Okay. Let me make the  
15 motion as follows: The Chair moves that we continue this  
16 case as a case heard. For the benefit of the petitioner,  
17 that means that when we reconvene the case, it must be the  
18 same five people that are sitting here tonight. It can't be  
19 other members of the Board.

20 So it will be continued as a case heard, subject  
21 to the following conditions:

22 The first is that the petitioner sign a waiver of

1 time for decision, because by law we're required to make a  
2 decision in so many days after the petition was filed.  
3 Typically we have a standard -- the city has a standard  
4 form, and typically we would ask the petitioner to sign it  
5 right at the hearing so we get that out of the way. Can't  
6 do that, obviously, with virtual hearings.

7           So the motion -- the condition that the petitioner  
8 sign a waiver of time for decision is subject to the  
9 requirement that that waiver is signed within one week from  
10 today. If that is not done, then the petition tonight will  
11 be deemed denied, and the case will be over.

12           I can assure the petitioner -- I can't assure him,  
13 but I would just comment to the petitioner that it's just a  
14 very simple, one-page document that doesn't prejudice you in  
15 any way, other than the deadline for a decision has been  
16 extended.

17           The second condition is that the petitioner when  
18 you have a date, or for the continued case, that the  
19 petitioner file a new sign disclosing the date and time and  
20 the subject of the case -- same as now, obviously -- and  
21 that the sign be maintained for the 14 days required by our  
22 ordinance.

1           And lastly, to the extent that each further  
2 discussion leads to a modification of the plans or  
3 specifications that were submitted in accordance with this  
4 petition.

5           Those modified plans must be in the files of the  
6 Inspectional Services Department no later than 5:00 p.m. on  
7 the Monday before the date of the new hearing. And that's  
8 just to allow us as members of the Board and citizens of the  
9 city to examine and consider these by definition revised  
10 plans.

11           So, all those in favor of continuing the case on  
12 this basis -- oh, and we need a date. Sisia, when can we  
13 continue this case to?

14           SISIA DAGLIAN: As we mentioned previously, August  
15 13 was the first available, but if you want --

16           CONSTANTINE ALEXANDER: Thirteenth of September?

17           SISIA DAGLIAN: -- more time... August.

18           JIM MONTEVERDE: August.

19           CONSTANTINE ALEXANDER: August.

20           SISIA DAGLIAN: But September 10 is the first  
21 September date.

22           CONSTANTINE ALEXANDER: I would suggest we do it

1 until September. August is not a good time. People in the  
2 city are likely on vacation. We want to have a meaningful  
3 conversation -- the petitioner needs to have a meaningful  
4 conversation --

5 SISIA DAGLIAN: Okay.

6 CONSTANTINE ALEXANDER: -- with us. So we do have  
7 time September 10.

8 SISIA DAGLIAN: Yes.

9 ANDREA HICKEY: Right. And this same panel also  
10 has another continued case on that date.

11 CONSTANTINE ALEXANDER: Yeah.

12 ANDREA HICKEY: So we'll all be sitting anyway,  
13 presumably.

14 CONSTANTINE ALEXANDER: That's right. Exactly.  
15 Petitioner, do you have any problems continuing the case  
16 until September 10? Do you want more time? I don't think  
17 less time is in the offer. So we can make it later than  
18 that, but --

19 NICK ZOZULA: No, Mr. Chair, September 10 would be  
20 great. That would give us ample time to work with staff on  
21 the two major issues that you brought up. So thank you for  
22 your understanding, that would be great.



1           CONSTANTINE ALEXANDER: All in favor of continuing  
2 the case on this basis, please?

3           BRENDAN SULLIVAN: Brendan Sullivan, yes for  
4 continuing.

5           JANET GREEN: Janet Green, yes for continuing.

6           ANDREA HICKEY: Andrea Hickey, yes for continuing.

7           JIM MONTEVERDE: Jim Monteverde, yes.

8           CONSTANTINE ALEXANDER: And the Chair, Gus  
9 Alexander, yes.

10           [All vote YES]

11           So the case is continued, and we'll see everybody  
12 back virtually on September 10. Thank you.

13           NICK ZOZULA: Thank you. Thank you for your time.

14           COLLECTIVE: Thank you.

15           ANDREA HICKEY: Gus, could we take a break?

16           CONSTANTINE ALEXANDER: I think it's good idea.  
17 10 minutes?

18           ANDREA HICKEY: Five minutes is fine, in this  
19 case.

20           CONSTANTINE ALEXANDER: Five minutes is fine.

21           ANDREA HICKEY: Okay.

22           CONSTANTINE ALEXANDER: We're going to recess the



1 case for five minutes. We're going to reconvene at 9:21.

2 Thank you.

3 [BREAK]

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## Pacheco, Maria

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**From:** Maureen Albano <maureenalbano@verizon.net>  
**Sent:** Sunday, August 9, 2020 12:15 PM  
**To:** Pacheco, Maria  
**Cc:** maureenalbano@verizon.net  
**Subject:** BZA-017247-2020

To The Board of Zoning Appeal,

I am writing to oppose the petition BZA-017247-2020 to increase the number of units at 16-18 Forest Street.

The proposed changes to the apartment building at 16-18 Forest Street would adversely affect the privacy of neighboring properties with increased pedestrian traffic through adjacent outdoor spaces, including my own. Also, the proposed construction would be a continued nuisance to the neighborhood with excessive noise pollution and vehicular traffic congestion on Forest and Oxford Streets. The proposed changes to the apartment building would adversely affect the established character and would impair the integrity of the adjoining properties in the neighborhood.

Thank you.

Maureen Albano  
125c Oxford Street Cambridge, MA 02140 617.497.6835



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McDERMOTT  
QUILTY &  
MILLER LLP

---

28 STATE STREET, SUITE 802  
BOSTON, MA 02109

**Via Electronic Mail Only ([mpacheco@cambridgema.gov](mailto:mpacheco@cambridgema.gov))**

September 2, 2020

Maria Pacheco, Administrative Assistant  
City of Cambridge Inspectional Services Department  
831 Massachusetts Avenue  
Cambridge MA 02139

**Re: 16-18 Forest Street - BZA-017247-2020  
17-19 Forest Street - BZA-017248-2020  
Continuance Request**

Dear Ms. Pacheco:

This office continues to represent 5527-16-19A Forest Street Cambridge LLC (the "Petitioner") with regard to the above-referenced Board of Zoning Appeal ("BZA") Cases No. BZA-017247-2020 and BZA-017248-2020 (the "Projects") currently pending at 16-18 and 17-19 Forest Street, Cambridge, respectively (collectively, the "Properties").

By way of background, the Petitioner presented the Projects to the BZA on July 9, 2020, at which the BZA provided certain feedback and recommendations as to the Projects and continued the Projects as "cases heard." This feedback included, among other things, requests for the Petitioner to work with City staff at the Cambridge Community Development Department ("CDD") to review (1) potential opportunities and applicability of the City's Inclusionary Zoning Ordinance to the Projects and (2) the potential addition of on-site bicycle parking at the Projects. The Petitioner then met virtually with CDD staff on August 5<sup>th</sup> to discuss the same, and is currently further processing and reviewing these recommendations in order to potentially revise the Projects in accordance with BZA feedback. However, the Petitioner requires more time to do so as a result of COVID19 delays and typical summer vacation schedules in advance of its upcoming BZA Hearing currently scheduled for Thursday, September 10<sup>th</sup>. ***As a result, the Petitioner hereby respectfully requests a continuance from this hearing date from the BZA with a request for a new continued hearing date of December 10, 2020, if available, in order to provide the Petitioner sufficient time and ability to finalize these important discussions<sup>1</sup>.***

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<sup>1</sup> Please note, this is the first Petitioner requested continuance with regard to the Projects. The Projects were originally filed on January 28, 2020, and were scheduled for a BZA hearing date on March 26<sup>th</sup>. This hearing was canceled by the City due to COVID19 and rescheduled to April 23<sup>rd</sup>. The April 23<sup>rd</sup> hearing date was then also postponed due to COVID19 and ch. 53 of the Acts of 2020. The Projects were rescheduled to July 9<sup>th</sup> at which the Petitioner presented the Projects. The BZA then continued the Projects to September 10<sup>th</sup> as "cases heard" after a full presentation and discussion on the Projects.

Ms. Pacheco  
September 2, 2020  
Page 2 of 2

We appreciate your continued time and attention to this matter and look forward to continuing to work with you on the City's review and prospective approval of the Project. Please do not hesitate to contact me with any questions or for further information.

Sincerely,

A handwritten signature in black ink that reads "Nicholas J. Zozula". The signature is written in a cursive, flowing style.

---

By: Nicholas J. Zozula, Esq.



# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.  
(617) 349-6100

2020 SEP -2 AM 11:50

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal  
831 Mass Avenue  
Cambridge, MA 02139

RE: Case # BZA-017247-2020

Address: 16-18 Forest St

Owner,  Petitioner, or  Representative: Nicholas J. Zozula, Esq.  
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The  Owner,  Petitioner, or  Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

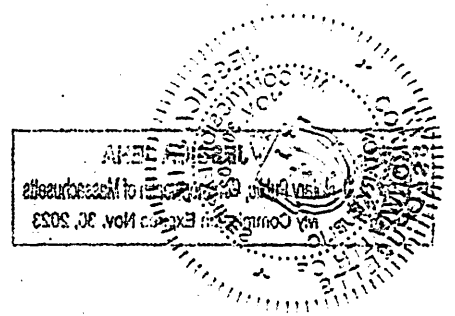
Date: September 2, 2020

Nicholas Zozula  
Signature





*[Faint, illegible handwritten text]*



1 \* \* \* \* \*

2 (7:01 p.m.)

3 Sitting Members: Constantine Alexander, Brendan Sullivan,  
4 Janet Green, Andrea A. Hickey,  
5 Jim Monteverde, and Slater W. Anderson

6 CONSTANTINE ALEXANDER: We have two other cases --  
7 they're related cases -- that the petitioner is seeking a  
8 further continuance. Case Number 017247 involves 16-18  
9 Forest Street, and since they're related, I'll take the  
10 other one as well, 017248 -- 17-19 Forest Street. First of  
11 all, is there anyone here wishing to be heard on this  
12 matter?

13 NICK ZOZULA: Mr. Chair, Attorney Nick Zozula,  
14 McDermott, Quilty & Miller. I'm here to help answer any  
15 questions the Board may have if there are any. But we did  
16 submit a continuance letter with our rationale and request.

17 CONSTANTINE ALEXANDER: I forget -- before I leave  
18 it out -- what date do you want to continue this case to?

19 NICK ZOZULA: Yes, sir. So we would ask to be  
20 continued until the last case of the year, if possible,

21 th

22 which is December 10 . We've been working and trying to

1 follow up on the July 9 hearing with what was given to us as  
2 feedback specifically from the Board in terms of working  
3 with Planning and ISP on the affordability component of  
4 bicycle parking.

5           And we just want to make sure we have enough time  
6 that we are able to do that. We have met with them already,  
7 and we're working on some of the things that we've come  
8 across with them as a result of that meeting.

9           So again, we just don't -- you know, we'd like to  
10 have the longest deferral possible just so we don't have to  
11 come back for another meeting.

12           CONSTANTINE ALEXANDER: That's fine.

13           NICK ZOZULA: We want to be cognizant of the  
14 Board's time and understand that you have full agendas and  
15 not have to continue again.

16           CONSTANTINE ALEXANDER: I appreciate that, and in  
17 fact our policy is we don't continue cases more than twice,  
18 absent compelling reasons for the continuance. And so  
19 you're -- this will be your second continuance, so I have to  
20 ask you if you're comfortable at least as of right now that  
21 you'll be ready to go on December 10?

22           NICK ZOZULA: Mr. Chair, if there is the ability

1 to have it to January, we'd take that, but I don't know if  
2 that's available. I know what agenda -- you know, what  
3 dates are up on the --

4 CONSTANTINE ALEXANDER: Let's find out.

5 NICK ZOZULA: -- the last one is December 10,  
6 that's why we chose it.

7 CONSTANTINE ALEXANDER: Okay.

8 NICK ZOZULA: But if the Board or staff would  
9 allow us to go to January, we would certainly do that.

10 SISIA DAGLIAN: I don't have the January dates.

11 CONSTANTINE ALEXANDER: I can't believe --

12 SISIA DAGLIAN: I don't think we've set them yet.

13 NICK ZOZULA: Yeah, exactly.

14 CONSTANTINE ALEXANDER: I think we can wing it and  
15 rely on the fact that January is available. Do you want to  
16 do it in January, the second meeting in January?

17 NICK ZOZULA: That would be amenable to us, yes,  
18 sir. Again, we just want to be cognizant of your time and  
19 not have to come back.

20 CONSTANTINE ALEXANDER: As I said, when you come  
21 --

22 NICK ZOZULA: Exactly.



1           CONSTANTINE ALEXANDER: -- you come for the final  
2 round and not the further continuance.

3           NICK ZOZULA: Understood. And we would like to do  
4 that as well. So January, even though it's undated, once it  
5 is dated, we can be in touch with Staff to determine that  
6 date. That would be amenable to us.

7           CONSTANTINE ALEXANDER: The vote would be the  
8 second meeting date for a regular meeting date in January,  
9 which is generally the fourth week in January.

10          SISIA DAGLIAN: That would probably be the twenty-  
11 eighth.

12          NICK ZOZULA: The twenty-eight.

13          SISIA DAGLIAN: Or --

14          NICK ZOZULA: Well.

15          SISIA DAGLIAN: Or the twenty-first or the twenty-  
16 eighth, it would be one of those.

17          CONSTANTINE ALEXANDER: I'll just for the purpose  
18 of the motion say the second regular meeting in January.  
19 And you've heard, sir, that presumably it could be the  
20 twenty-first or the twenty-eighth.

21          BRENDAN SULLIVAN: This is Brendan Sullivan. This  
22 is a case heard, and when I'm looking forward to January,

1 I'm looking forward not to be in the City of Cambridge in  
2 January. And so, I, as of right now I'm not sure will be  
3 available in January.

4 CONSTANTINE ALEXANDER: Let me say that again.  
5 I'm going to suggest --

6 BRENDAN SULLIVAN: And I think we poll the other  
7 members to see their availability going that far out in  
8 February.

9 CONSTANTINE ALEXANDER: Well said. My suggestion  
10 is we'll make an exception to the no more than two  
11 continuance rule.

12 SISIA DAGLIAN: No.

13 CONSTANTINE ALEXANDER: If our schedule goes out  
14 and you find you cannot be put on -- everyone cannot be  
15 present in January, that we will have a hearing in January  
16 to further continue the case, a date that works for  
17 everybody.

18 BRENDAN SULLIVAN: Yeah, or they could go ahead  
19 with four members.

20 CONSTANTINE ALEXANDER: Anyone else have concerns  
21 about what -- at this point anyway, whether they might not  
22 be able to sit on a case -- this case, either in the last

1 meeting in January of this Board, regular meeting?

2 I guess not. All right. So why don't we pursue -  
3 - we don't need to take this as far as a motion. We have  
4 continued cases more than twice, so -- and we just now have  
5 a reason why we might have to do it again. And it's not the  
6 petitioner's fault, it's just the way the lives work out.

7 So the Chair moves that we continue this case as a  
8 case heard, until the second regularly scheduled meeting  
9 date in January, subject to the following conditions:

10 First, that the petitioner sign a waiver of time  
11 for a decision, and you've already done that in connection  
12 with today's continuance, so that's been satisfied.

13 Second, that the posting sign for the hearing,  
14 there needs to be a new one, or at least a modification to  
15 the old one, which reflects the new date and the new time --  
16 the new time will be 7:00 p.m. -- on the second, if I didn't  
17 mention that before, on the second regularly scheduled  
18 meeting in January.

19 And last, to the extent that -- and it probably is  
20 relevant -- the petitioner plans to submit new or modified  
21 planned dimensions, dimensional forms, they must be in our  
22 files no later than 5:00 p.m. on the Monday before the

1 scheduled hearing date.

2 All those in favor of continuing the case on this  
3 basis?

4 BRENDAN SULLIVAN: Brendan Sullivan yes to the  
5 continuing the case until January.

6 ANDREA HICKEY: Andrea Hickey yes to continuing to  
7 January.

8 SLATER ANDERSON: Slater Anderson yes on  
9 continuance.

10 JANET GREEN: Janet Green yes on continuance.

11 JIM MONTEVERDE: And Jim Monteverde yes on  
12 continuance.

13 CONSTANTINE ALEXANDER: The Chair as well. So  
14 that case is continued.

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## **Pacheco, Maria**

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**From:** Javad Seyedi <javads1@yahoo.com>  
**Sent:** Thursday, September 24, 2020 7:34 PM  
**To:** Pacheco, Maria; Pacheco, Maria  
**Subject:** Re: Petition Number BZA-017247-2020

Board of Zoning Appeal  
City of Cambridge

Dear Ms. Maria Pacheco:

I am writing this email to express my opposition to the petition number BZA-017247-2020 submitted by Akelius Real Estate Management. The proposed changes to the apartment building at 16-18 Forest Street would adversely affect the privacy of our neighboring properties with increased pedestrian traffic through the adjacent outdoor spaces. Moreover, the petition also requests a permit to reduce the number of required parking spaces for the 15 new units, which would increase the parking congestion on our streets.

The proposed construction would be a continued nuisance to our neighborhood with excessive noise pollution and vehicular traffic congestion on Forest, Oxford, Prentiss and Frost Streets.

I would appreciate your consideration of the above, to preserve the privacy and peacefulness of our neighborhood.

Thanks & regards,  
J. Seyedi, PhD  
125A Oxford Street  
Cambridge, MA 02140



## **Pacheco, Maria**

---

**From:** Maureen Albano <maureenalbano@verizon.net>  
**Sent:** Tuesday, December 1, 2020 4:27 PM  
**To:** Pacheco, Maria; Singanayagam, Ranjit  
**Subject:** BZA-017247-2020

December 1, 2020

Dear Zoning Board Members,

We are writing to oppose the zoning petition BZA-017247-2020, filed by Noam Kleinman of Akelius Real Estate Management LLC. We concur with the stated zoning violations in our Residential B neighborhood.

The proposed changes to the apartment building at 16-18 Forest Street would adversely affect the privacy of our neighboring properties with increased pedestrian traffic through the adjacent outdoor spaces. The rear of the apartment building is less than 25 feet to the abutting properties on Prentiss Street, and less than 15 feet from 125C and 129 Oxford Street. The left side of the apartment building is less than 10 feet from 20 Forest Street. The parking lot on the corner of Forest and Frost Streets is directly next to 50 Frost Street. Similarly, 17-19 Forest Street would adversely affect the abutting properties on Oxford, Forest and Frost Streets.

The Special Permit for reduction of parking would significantly increase the parking congestion on Forest, Oxford, Prentiss, and Frost Streets. Though our neighborhood is located next to public transportation, most residents own at least one vehicle. Our streets already have parking congestion.

The magnitude of construction at the Akelius properties over the last four years has adversely affected the character of our neighborhood. There has been excessive noise, enormous construction vehicles, and a massive excavation and installation of an underground electrical vault in the parking lot. The proposed petition would require additional construction for years, and negatively impact the quality of our daily lives.

We ask you to oppose Akelius's zoning petition BZA-017247-2020. Thank you for your consideration.

Respectfully submitted,

Maureen Albano  
125C Oxford Street

Roberta Cohen  
125B Oxford Street

Javad Seyyedi and Sima Kainejad  
125A Oxford Street

Neal Klein and Janice Wall  
20 Forest Street

Sarah Gallivan  
35 Prentiss Street

## **Pacheco, Maria**

---

**From:** Jan Wall <wall.jan9@gmail.com>  
**Sent:** Sunday, January 24, 2021 1:41 PM  
**To:** Pacheco, Maria  
**Subject:** Case # BZA-017247-2020; 16-18 Forest Street, Cambridge

This case is being reheard on January 28th and would like our concerns to be included:

1. We know that with this type of construction, other nearby properties might incur significant foundation cracks. Who will be responsible for this - the town of Cambridge or Akelius?
2. We want to note that Akelius has a business relationship with The Blue Ground. Does the city approve the increase to Air BnB/s in our neighborhood?
3. Many of us that own nearby homes are in our 60's, 70's, and 80's. And, some of us are required to work at home due to the pandemic. This construction will greatly impact our health and possibly livelihoods. We hope that the city supports long-term residents.
4. If Akelius truly cared about people with disabilities or the need for low-income housing, those aspects would have been handled early in the original construction.

Thank you, and we'll see you in the meeting.

Jan Wall & Neal Klein  
20 Forest Street

CITY OF CAMBRIDGE  
INSPECTIONAL SERVICES

2021 JAN 25 P 3:52

16-19 FOREST STREET CAMBRIDGE, MASSACHUSETTS

# BIKE COMPLIANCE PLAN

BIKE PLAN CONCEPT

28 JAN 2021

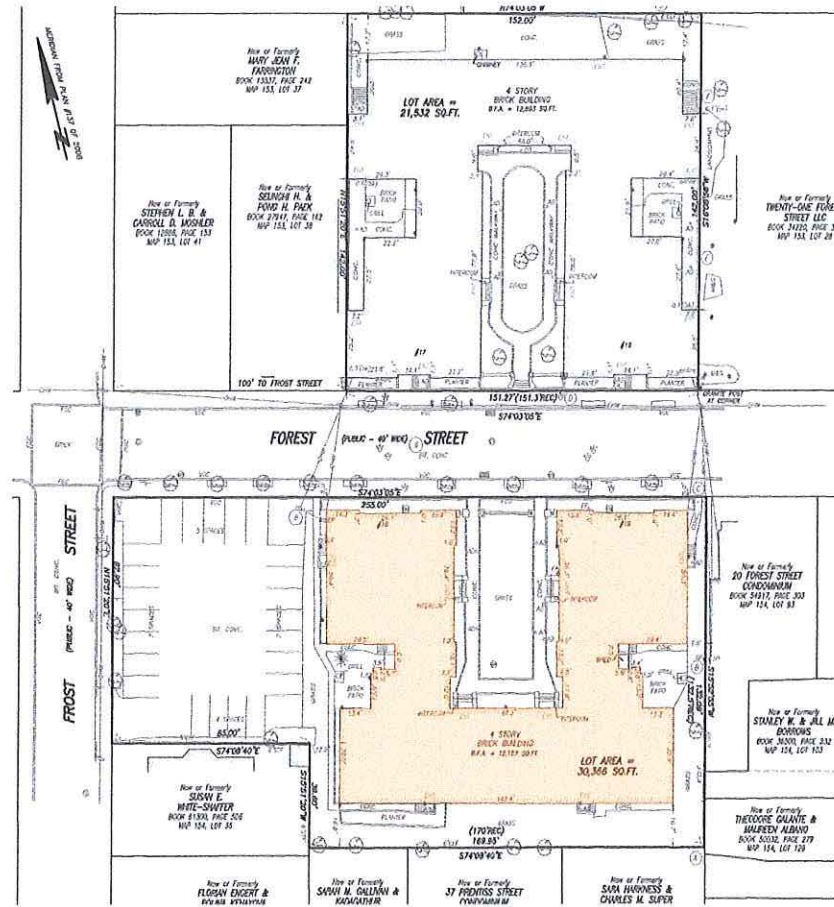


**AKELIUS**



# 16-18 FOREST STREET

## SITE PLAN



## KEY PLAN

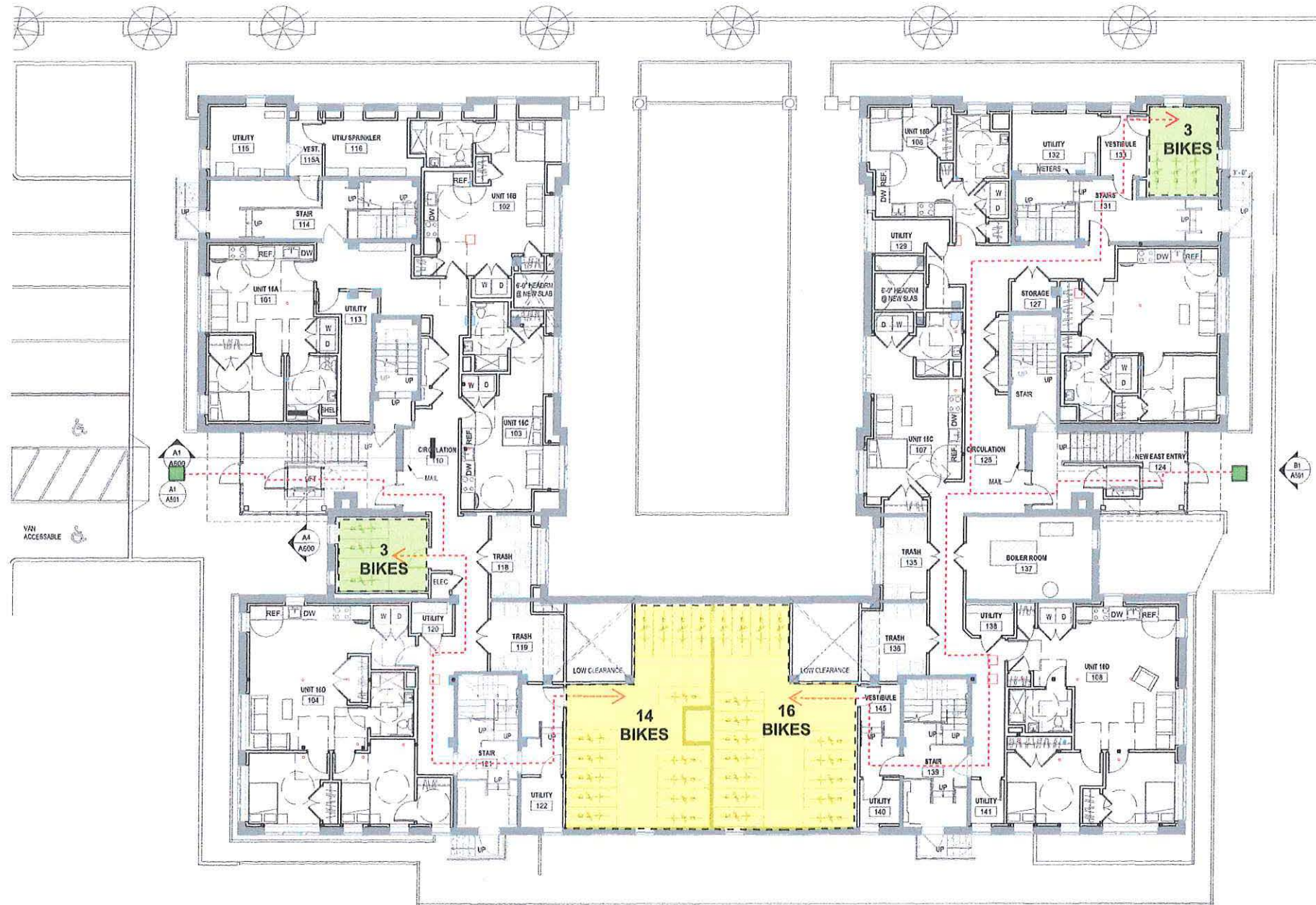
- PROPOSED BIKE STORAGE (30)
- FUTURE PROPOSED BIKE STORAGE (6)

\* APPROXIMATELY 36 TOTAL BIKE STORAGE SPACES

\* ALL BIKE STORAGE IS ACCESSIBLE FROM A PEDESTRIAN ENTRY LOCATED UNDER 200FT FROM THE NEAREST ENTRANCE

## BUILDING PLAN

## FOREST STREET







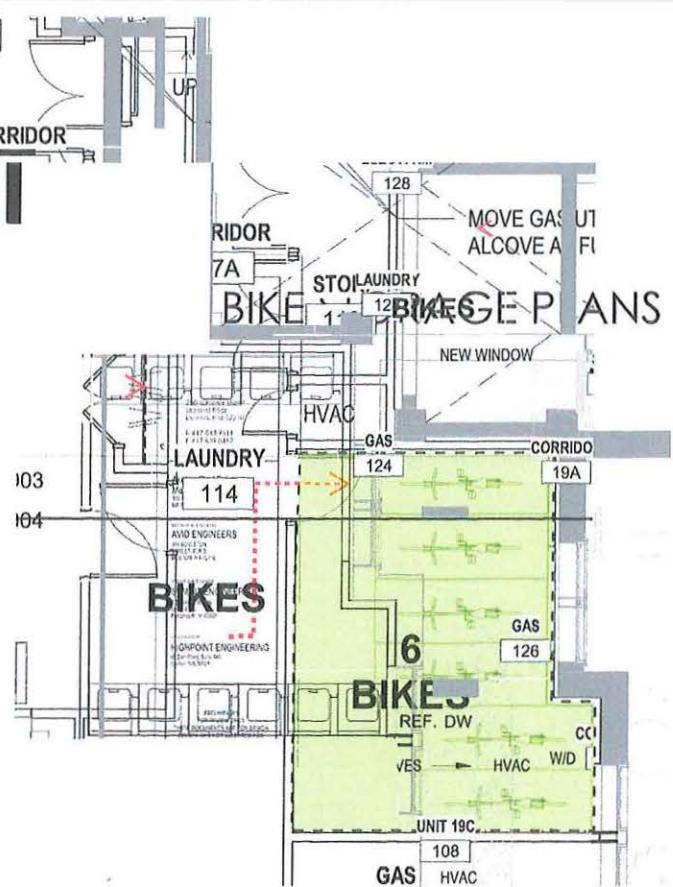
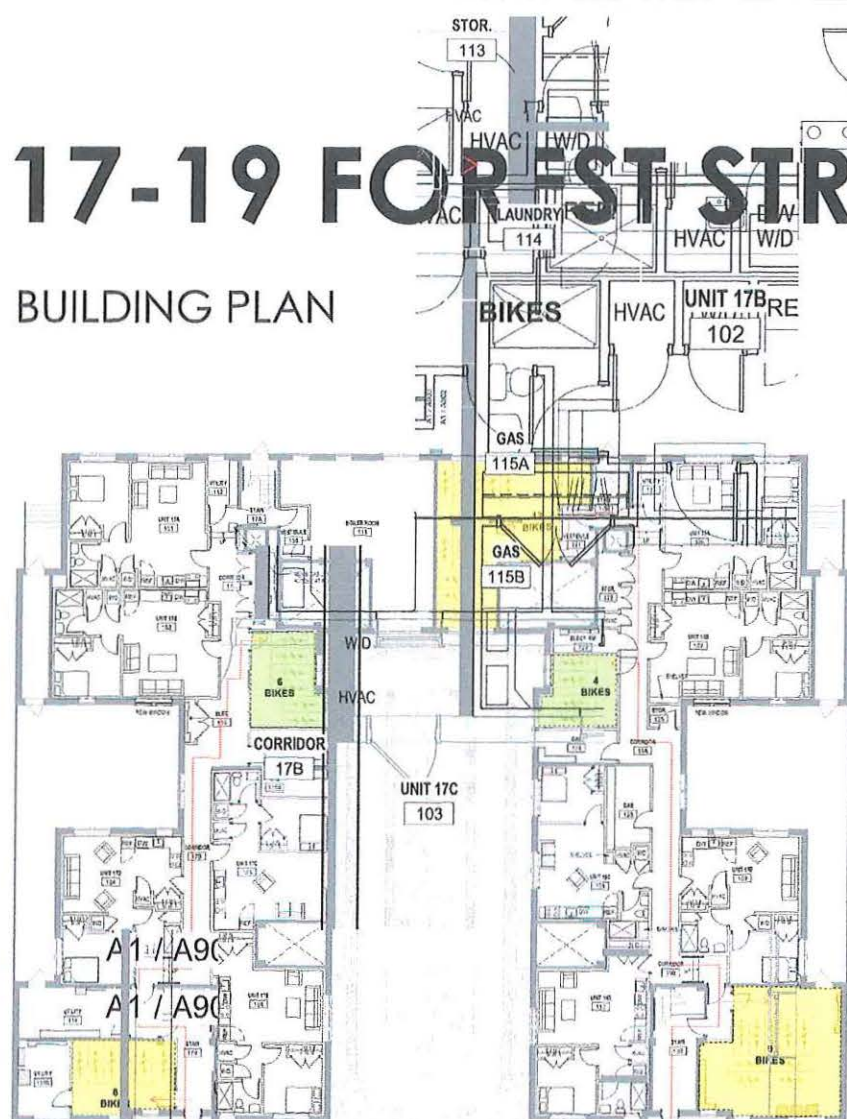




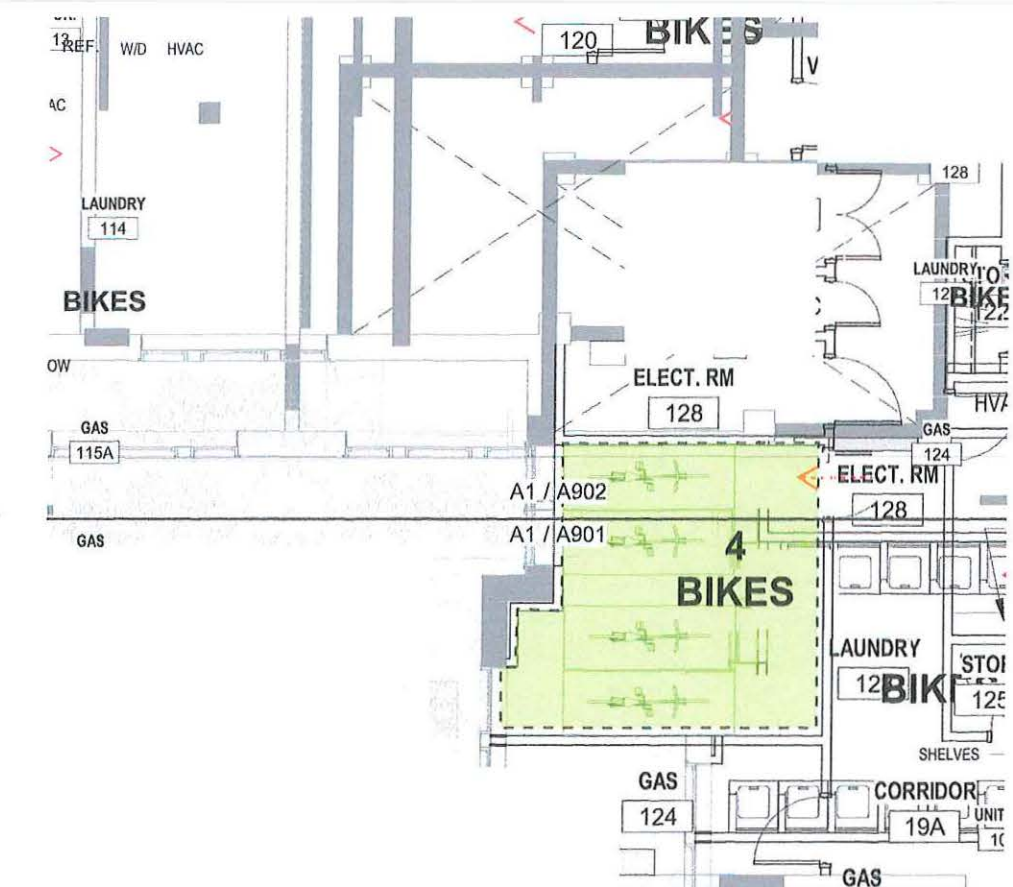


# 17-19 FOREST STREET

## BUILDING PLAN



10 FUTURE BIKE SPACES

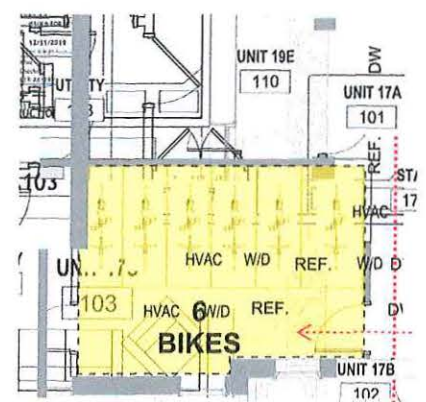


### KEY PLAN

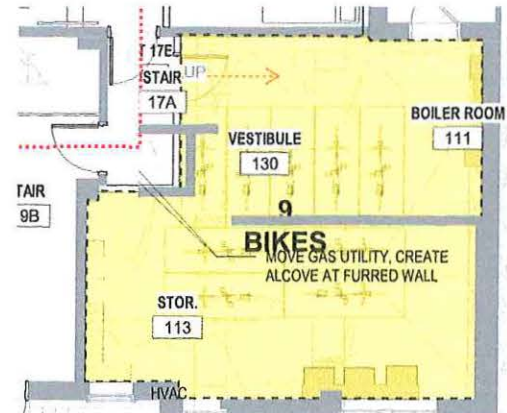
- BIKE PROPOSED BIKE STORAGE (27)
- FUTURE PROPOSED BIKE STORAGE (10)

\* APPROXIMATELY 37 TOTAL BIKE STORAGE SPACES

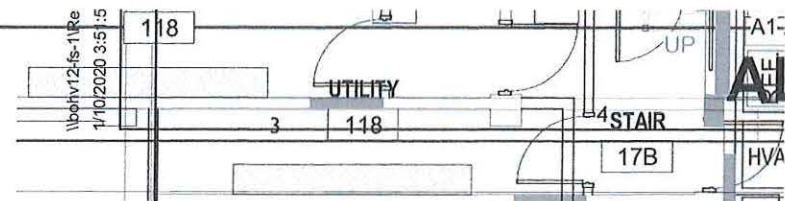
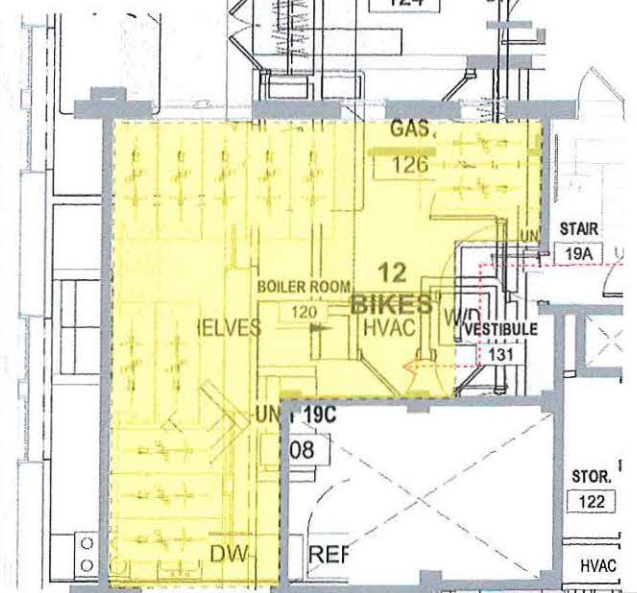
\* ALL BIKE STORAGE IS ACCESSIBLE FROM A PEDESTRIAN ENTRY LOCATED UNDER 200FT FROM THE NEAREST ENTRANCE



27 PROPOSED BIKE SPACES

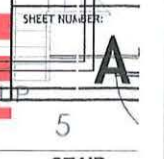
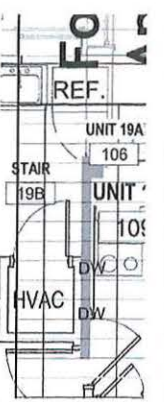
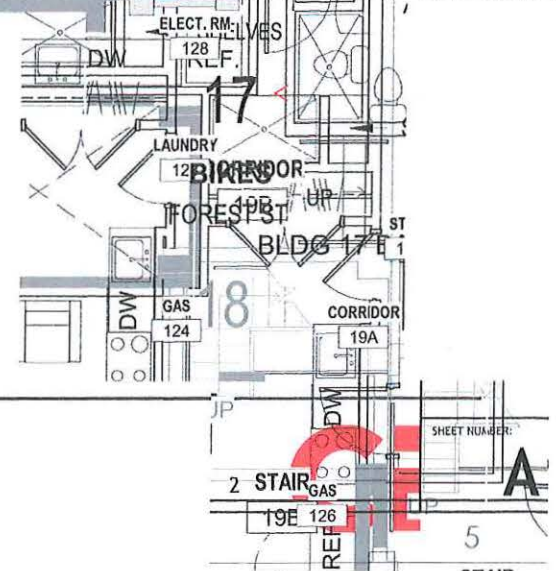


CONSTRUCTION PLAN A1  
1/8" = 1'-0"



# ALKELIUS | BIKE STORAGE CONCEPT

28 JAN 2021





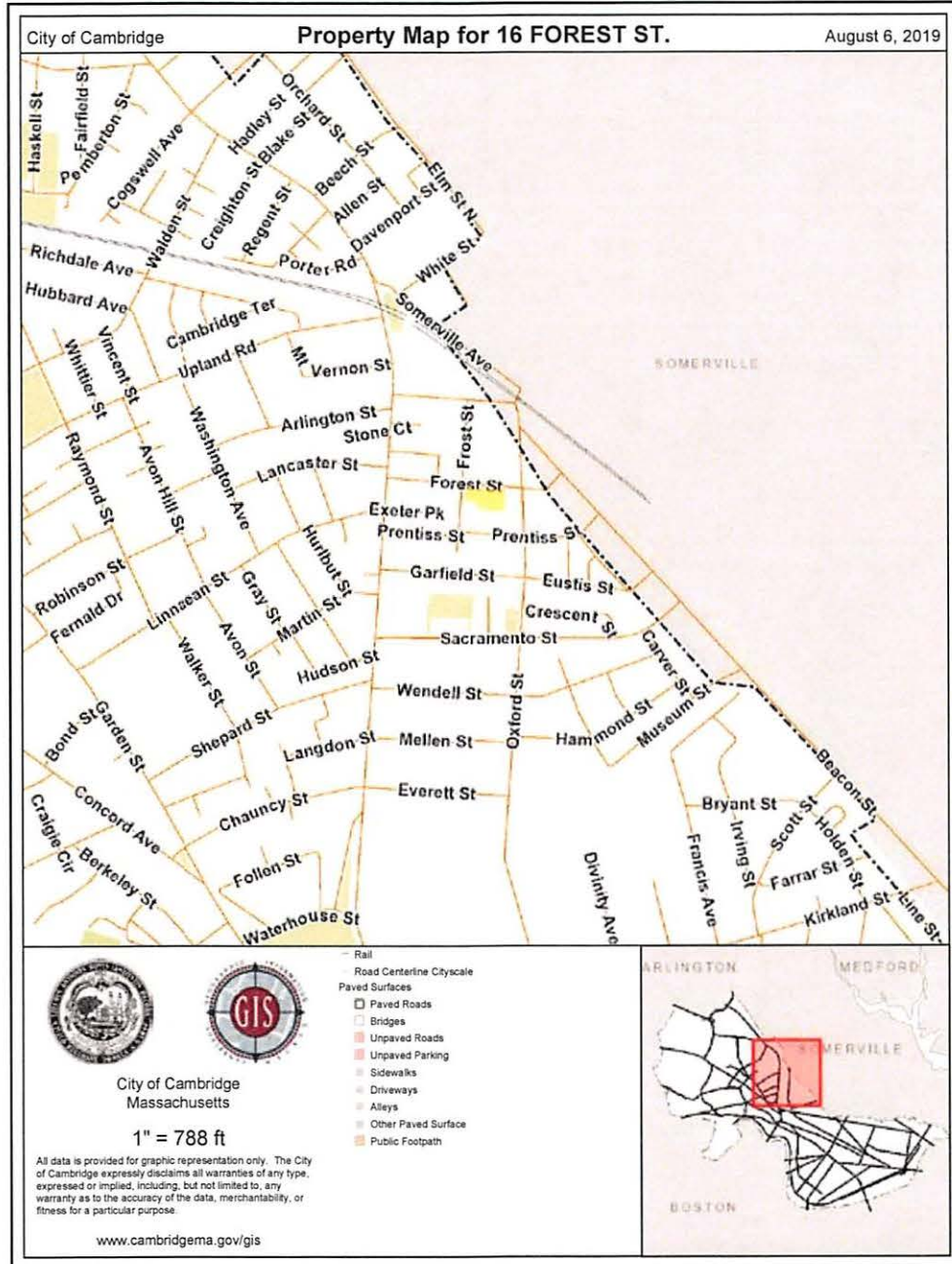
# SUMMARY

## 16-18 FOREST STREET

TOTAL DWELLING UNITS	64
BIKE SPACES REQUIRED BY CAMBRIDGE	67
PROPOSED BIKE SPACES PROVIDED	30
FUTURE BIKE SPACES PROVIDED	6
TOTAL PROPOSED BIKE SPACES	36

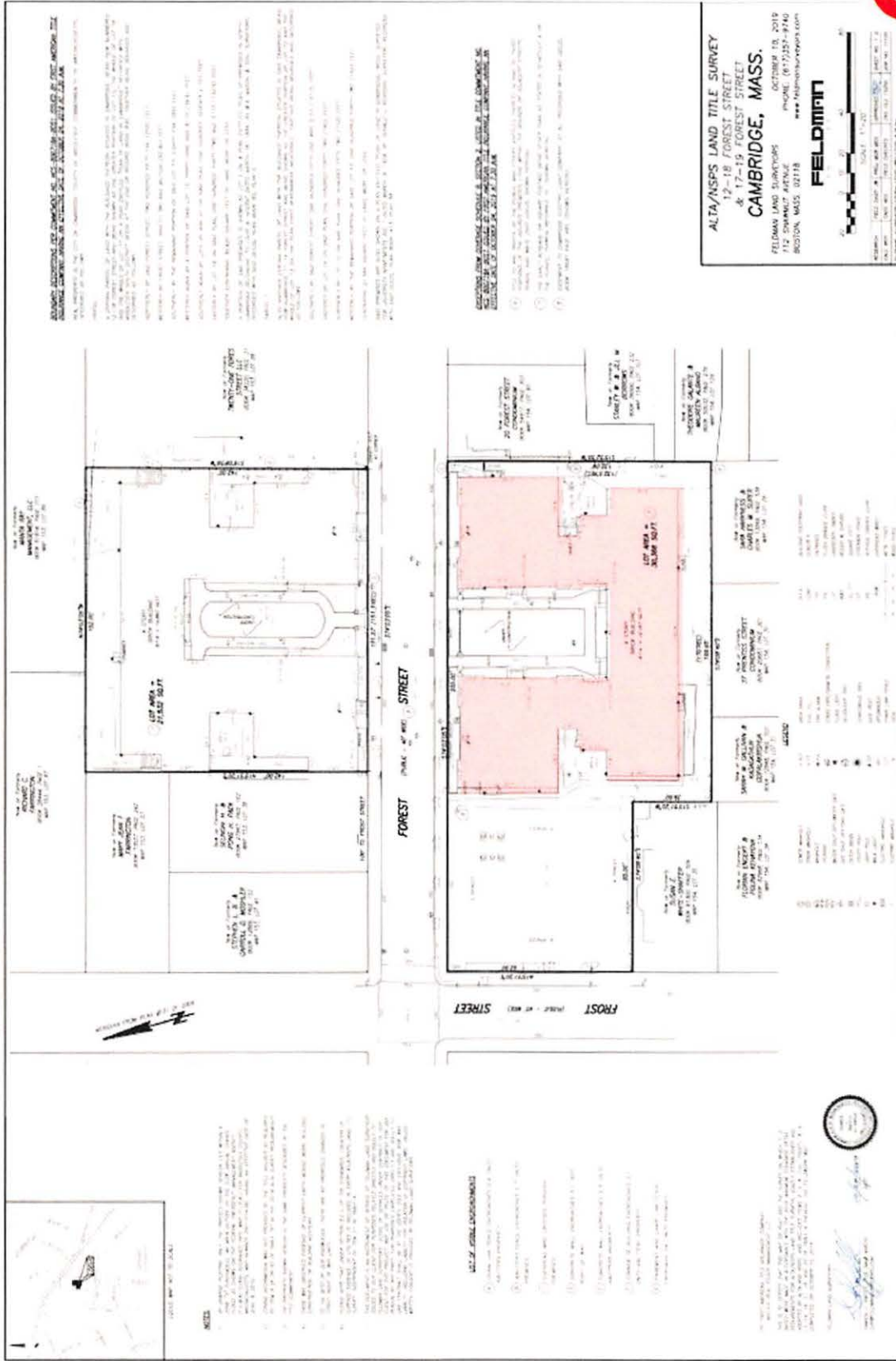
## 17-19 FOREST STREET

TOTAL DWELLING UNITS	74
BIKE SPACES REQUIRED BY CAMBRIDGE	77
PROPOSED BIKE SPACES PROVIDED	27
FUTURE BIKE SPACES PROVIDED	10
TOTAL PROPOSED BIKE SPACES	37

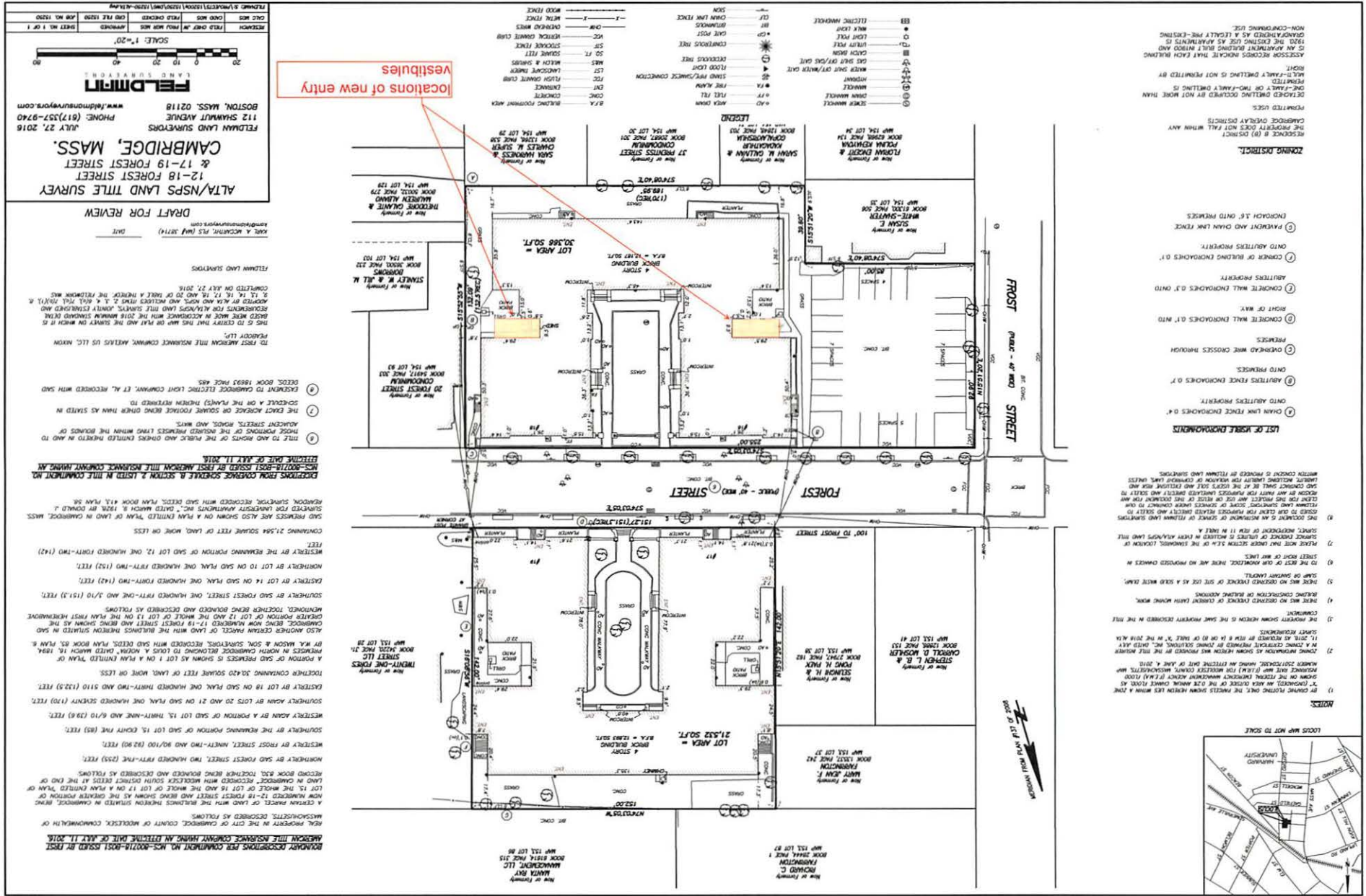


GIS Block Map

# Certified Plot Plan







NON-CORROBORATIVE USE;  
 AS AN APPROPRIATE RECORDING INSTRUMENT AND  
 AS A PUBLIC RECORD, THIS INSTRUMENT IS  
 CONSIDERED VALID AND EFFECTIVE FROM THE DATE OF  
 RECORDING, UNLESS IT IS CHALLENGED BY A COURT OF  
 LAWFUL JURISDICTION.

RECORDED DEEDS OCCURRING BY NOT MORE THAN  
 ONE HUNDRED (100) DAYS PRIOR TO THE DATE OF  
 RECORDING OF THIS INSTRUMENT.

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 ONE HUNDRED (100) DAYS PRIOR TO THE DATE OF  
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 ONE HUNDRED (100) DAYS PRIOR TO THE DATE OF  
 RECORDING OF THIS INSTRUMENT.

ALTA/NSPS LAND TITLE SURVEY  
 & 12-18 FOREST STREET  
 CAMBRIDGE, MASS.  
 DRAFT FOR REVIEW  
 DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 SCALE: 1"=20'  
 SHEET NO. 1 OF 1  
 JOB NO. 12345  
 FIELD CHECKED BY: \_\_\_\_\_  
 FIELD DATED: \_\_\_\_\_  
 FIELD SHEET NO. 1 OF 1

ALTA/NSPS LAND SURVEYS  
 112 SHAWMUT AVENUE  
 BOSTON, MASS. 02118  
 PHONE: (617) 557-9740  
 WWW.FELDMANLANDSURVEYS.COM  
 JULY 27, 2016

TO THE BEST OF MY KNOWLEDGE AND BELIEF, I AM AWARE OF ALL INTERESTS IN THE LAND AND OF ALL ENCUMBRANCES AFFECTING THE SAME, AND I HAVE MADE THIS SURVEY ACCORDINGLY.

TO THE BEST OF MY KNOWLEDGE AND BELIEF, I AM AWARE OF ALL INTERESTS IN THE LAND AND OF ALL ENCUMBRANCES AFFECTING THE SAME, AND I HAVE MADE THIS SURVEY ACCORDINGLY.

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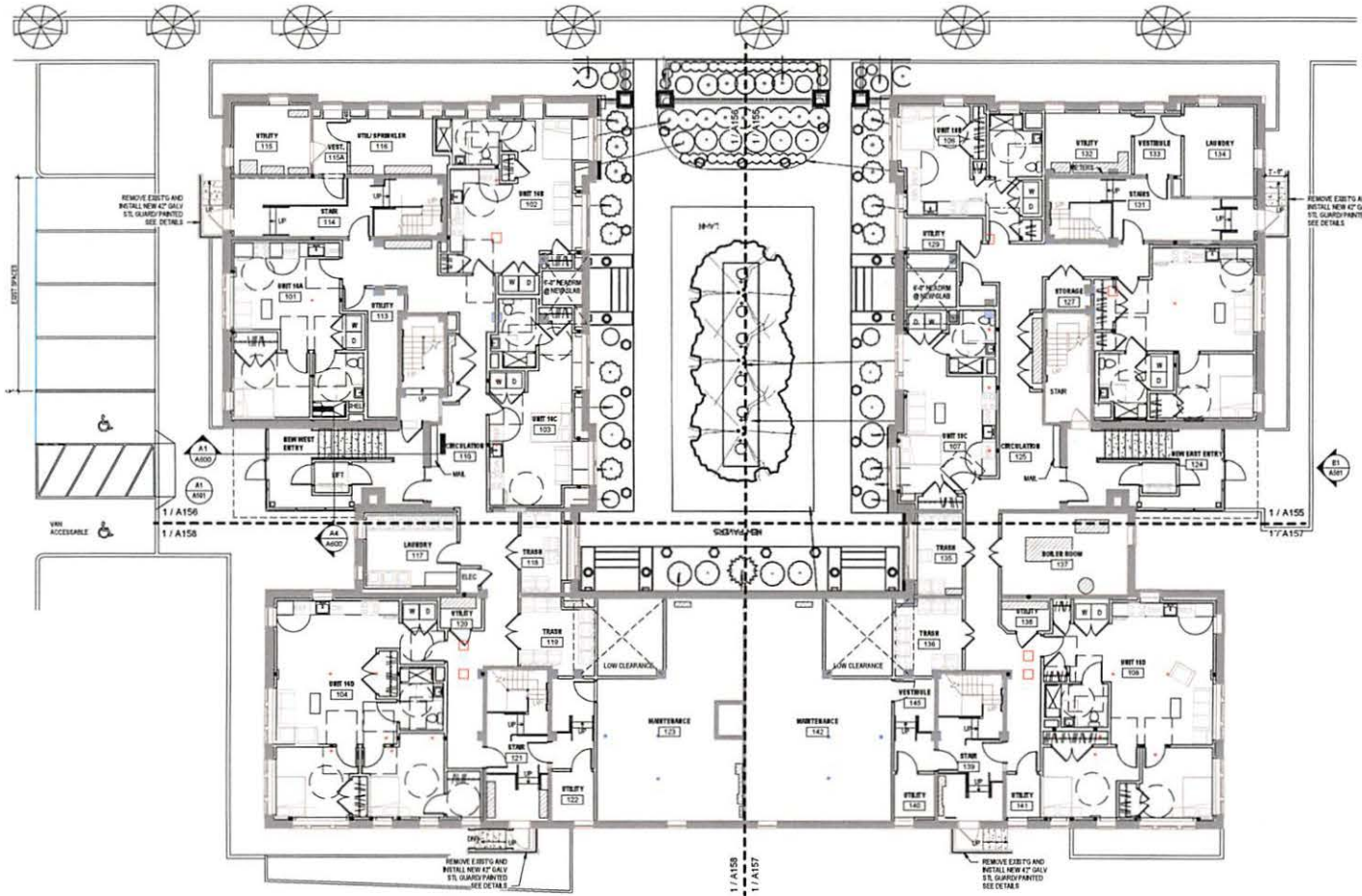
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TO THE BEST OF MY KNOWLEDGE AND BELIEF, I AM AWARE OF ALL INTERESTS IN THE LAND AND OF ALL ENCUMBRANCES AFFECTING THE SAME, AND I HAVE MADE THIS SURVEY ACCORDINGLY.

Exhibit E

# Plans



BLDG 18 BASEMENT CONSTRUCTION PLAN\_BZA  
1/1" = 1'-0"

Lower Level Plan

Akelius - Forest Street Apartments - 11/11/2010  
 11/11/2010 - 11/11/2010



230 Summer Street  
Second Floor  
Boston, MA 02210  
T: 617.848.9511  
F: 617.439.0437  
www.ci-design.com

**Akelius Real Estate Management, LLC**  
300 Boston Street  
Boston, MA 02116

**Avid ENGINEERS**  
300 Boston Street  
Boston, MA 02116

**SUMMIT ENGINEERING**  
5 Overlook Blvd  
Chelsea, MA 02151

**HIGHPOINT ENGINEERING**  
450 New Street  
Boston, MA 02116

PRELIMINARY FOR REVIEW ONLY  
THESE DOCUMENTS ARE FOR DESIGN REVIEW AND NOT INTENDED FOR RECORD, CONSTRUCTION, OR PERMIT PURPOSES. THEY WERE PREPARED BY OR UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL ENGINEER.

**Forest Street Apartments**  
11-18 Forest St  
Cambridge, MA  
CLIENT: Akelius Real Estate Management, LLC

DESIGN 50% PROGRESS SET  
DELIVERABLE:  
ISSUE DATE: 11/24/2010  
Checked by: J. DeGroot, M. R. P. Project  
DRAWN BY: Author  
Checked by: Author



11/11/2010  
A201\_BZA

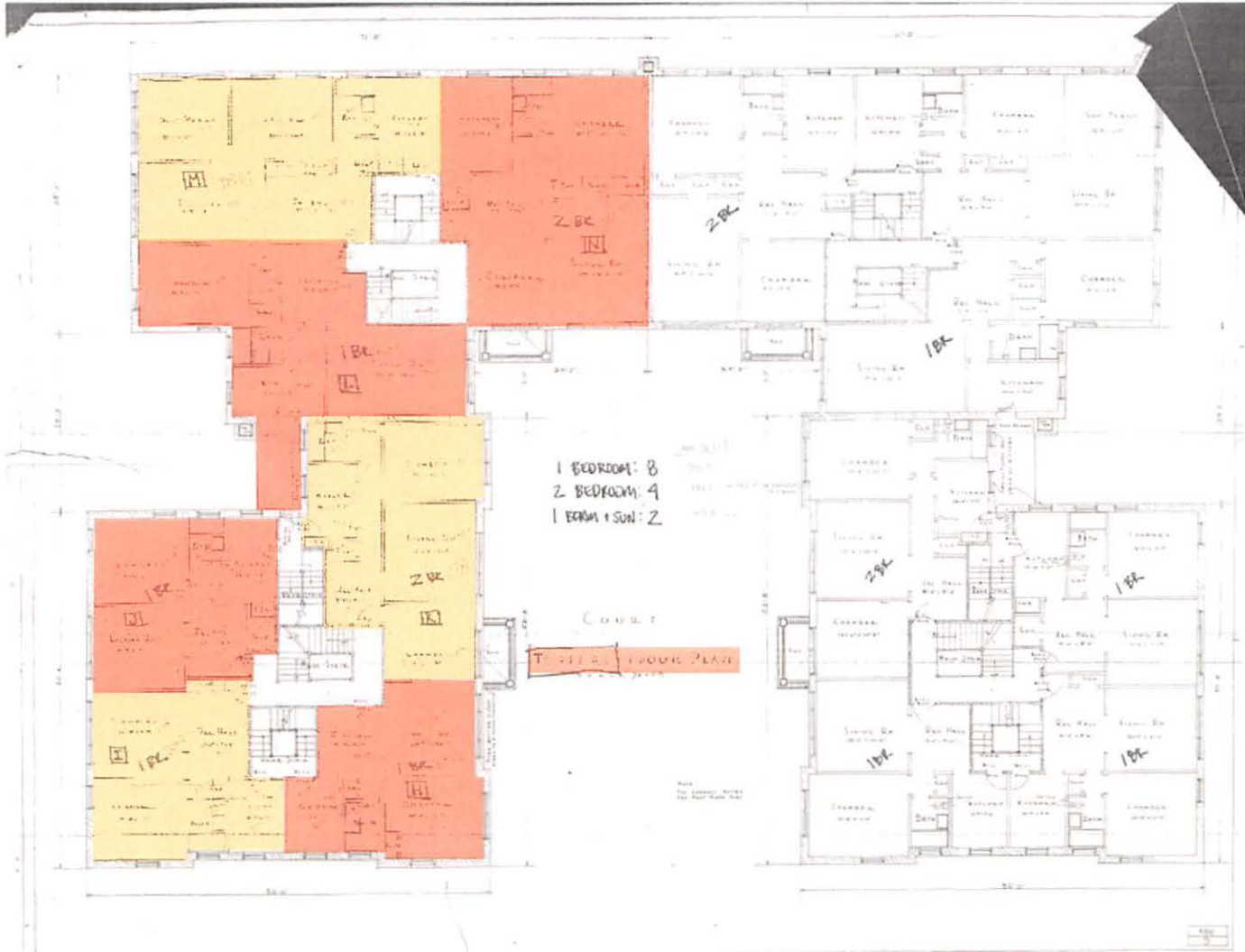






Typical Upper Level Plan (2-4)

Akelius



Plans

Exhibit E



Elevations/ Photographs





Exhibit F





Exhibit F





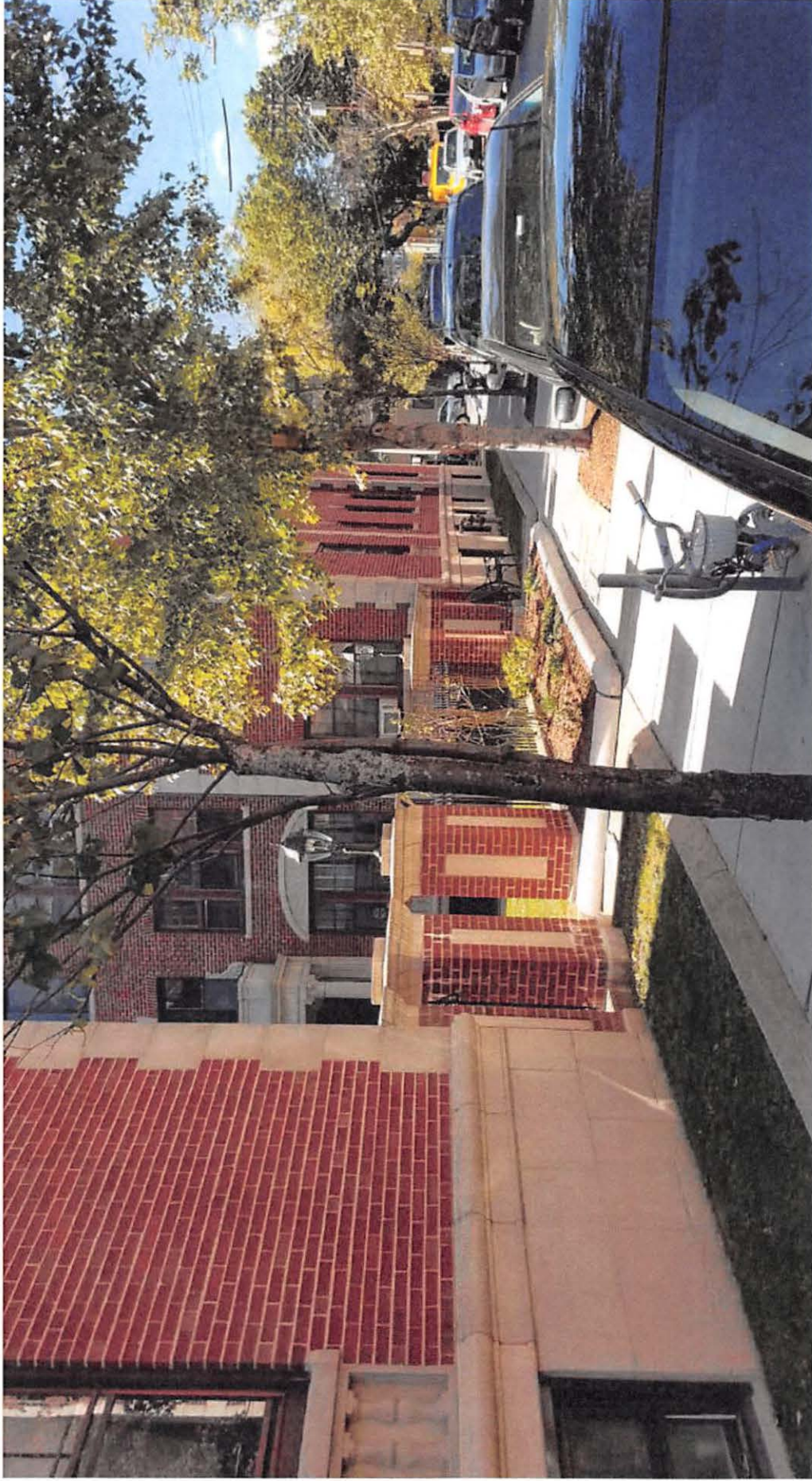
Exhibit F



Akelius

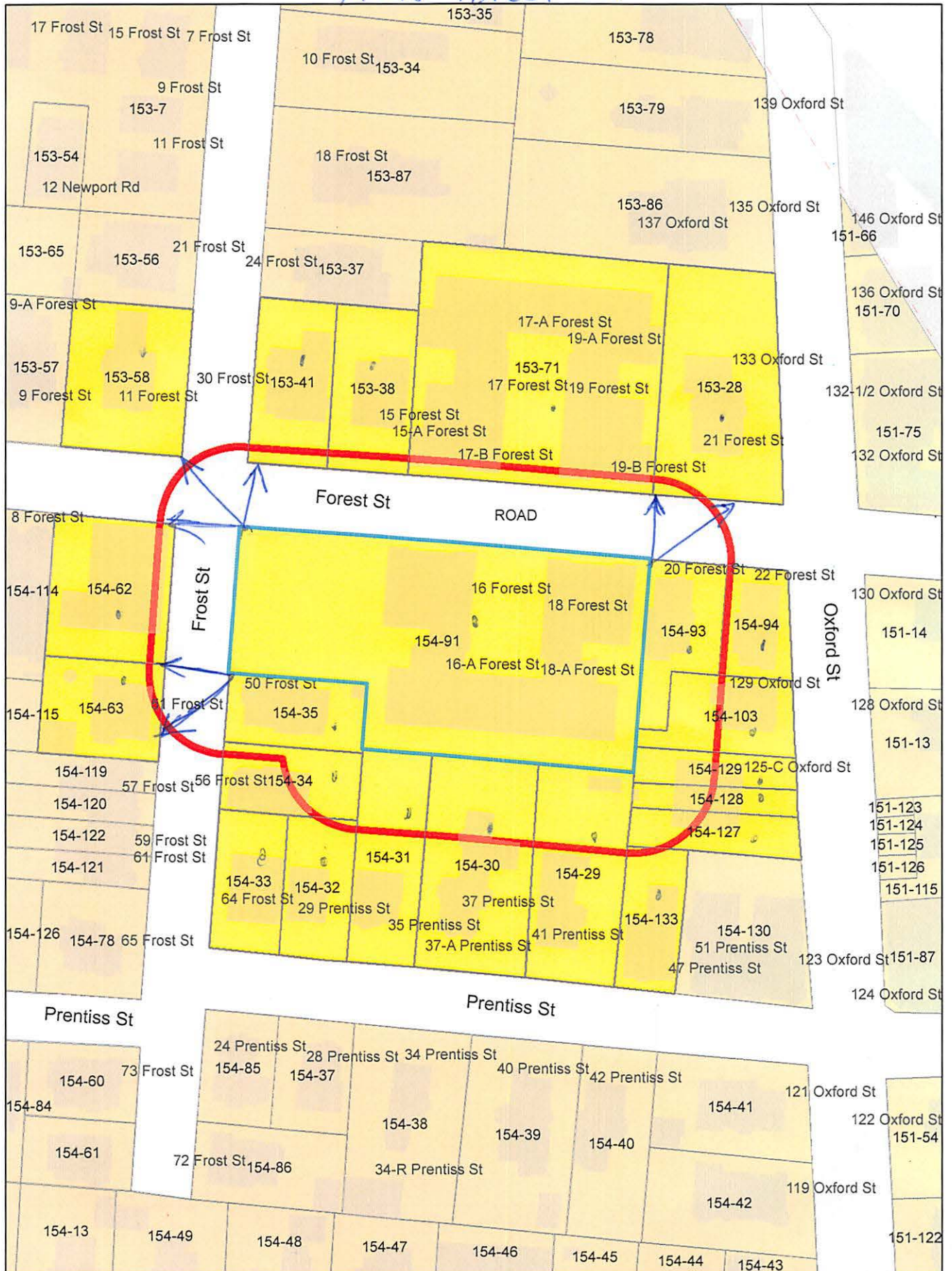


Exhibit F





16-18 Forest St.



16-18 Forest St.

Petitioner

154-94  
GOODMAN, RUTH ELLEN  
22 FOREST ST., #2  
CAMBRIDGE, MA 02138

154-128  
COHEN, ROBERTA B.,  
TRUSTEE THE COHEN TRUST  
125B OXFORD ST  
CAMBRIDGE, MA 02140

5527-16-19A FOREST STREET CAMBRIDGE LLC  
C/O NOAM KLEINMAN  
300 A. STREET - 5TH FLOOR  
BOSTON, MA 02210

154-133  
MORWAY, JOHN. B.,  
TRSTEE OF 1863 MAPLE TREE TRUST  
41 SACRAMENTO STREET  
CAMBRIDGE, MA 02138-1930

153-38  
PAEK, SEUNGHI H. & PONG H. PAEK  
15-15A FOREST STREET  
CAMBRIDGE, MA 02140-1530

153-41  
MOSHIER, STEPHEN L. B. & CARROLL B MOSHIER  
30 FROST ST  
CAMBRIDGE, MA 02140-1503

154-30  
CARAVAN, PETER & VERA HOFFMAN  
37 PRENTISS ST., #B  
CAMBRIDGE, MA 02140

153-58  
TAI, PATRICK C. L. & HUE-TAM HO TAI  
11 FOREST STREET  
CAMBRIDGE, MA 02140-1501

154-94  
KHALID, ASMA MEHREEN &  
ASAD SHAFEE SUBEDAR  
22 FOREST ST., #1  
CAMBRIDGE, MA 02138

154-94  
COOLIDGE, HILARY  
22 FOREST ST. UNIT#3  
CAMBRIDGE, MA 02140

154-103  
129 OXFORD ST, LLC  
50 FOLLEN ST  
CAMBRIDGE, MA 02138

154-127  
SEYYEDI, JAVAD AVESTA & SIMA KAINEJAD  
125 A OXFORD ST  
CAMBRIDGE, MA 02140-2251

154-129  
ALBANO, MAUREEN  
125C OXFORD ST  
CAMBRIDGE, MA 02140

154-32  
LIEBERMAN, DANIEL E. & ANTONIA C. PRESCOTT  
29 PRENTISS STREET  
CAMBRIDGE, MA 02140

154-62  
EMMONS, JOHN H. JR., TYLER S. C. STEVENS  
NATHANIEL J.B. & MARY- PRISCILLA TRS.  
C/O G & G MANAGEMENT  
109 OAK ST #201  
NEWTON, MA 02464

153-28  
TWENTY ONE FOREST STREET LLC.  
C/O G&G MGMT  
109 OAK ST #201  
NEWTON, MA 02464

153-71 /154-91  
5527-16-19A FOREST STREET CAMBRIDGE LLC,  
3 POST OFFICE SQUARE, 4TH FL  
BOSTON, MA 02109

154-29  
HARKNESS, SARA & CHARLES M SUPER  
53 DUGG HILL ROAD  
WOODSTOCK, CT 06281

154-30  
WISE, VIRGINIA J.  
37 PRENTISS ST., #A  
CAMBRIDGE, MA 02140

154-31  
GALLIVAN, SARAH M. &  
GOPAL KADAGATHUR, TRUSTESS  
35 PRENTISS ST  
CAMBRIDGE, MA 02140

154-34  
ENGERT, FLORIAN & POLINA KEHAYOVA  
56 FROST ST  
CAMBRIDGE, MA 02140

154-35  
WHITE-SHAFFER, SUSAN E.  
50 FROST ST  
CAMBRIDGE, MA 02140

154-63  
WEISSBURG, STEVEN AND DANA L. DONNELLY  
51 FROST ST  
CAMBRIDGE, MA 02140

154-33  
BERGEE, AUDREY L. & GREGORY N. BERGEE  
P.O BOX 523882  
MIAMI, FL 33152

154-33  
LI, CHONG & FANG LI  
64 FROST ST #5  
CAMBRIDGE, MA 02140

154-33  
KUAN, AARON T. & TUNG-SHENG KUAN  
64 FROST ST. UNIT#2  
CAMBRIDGE, MA 02140

154-33  
ROGERS, EDMUND M.  
1626 NORTH POINT ST #102  
SAN FRANCISCO, CA 94123

154-33  
ROVEDA, RONALD S.  
64 FROST ST. UNIT#3  
CAMBRIDGE, MA 02139

154-93  
BONNER, MICHAEL  
20 FOREST ST. UNIT#1  
CAMBRIDGE, MA 02140

154-93  
KLEIN, NEAL JANICE WALL  
20 FOREST ST UNIT 2  
CAMBRIDGE, MA 02140





# CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2<sup>nd</sup> Floor, Cambridge, Massachusetts 02139  
Telephone: 617 349 4683 TTY: 617 349 6112  
E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic

Bruce A. Irving, *Chair*; Susannah Barton Tobin, *Vice Chair*; Charles M. Sullivan, *Executive Director*  
Joseph V. Ferrara, Chandra Harrington, Elizabeth Lyster, Caroline Shannon, Jo M. Solet, *Members*  
Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

## Jurisdiction Advice

To the Owner of Property at 16-18 Forest Street

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- Old Cambridge Historic District
- Fort Washington Historic District  
(M.G.L. Ch. 40C, City Code §2.78.050)
- Avon Hill Neighborhood Conservation District
- Half Crown – Marsh Neighborhood Conservation District
- Harvard Square Conservation District
- Mid Cambridge Neighborhood Conservation District
- Designated Landmark
- Property is being studied for designation: East Cambridge NCD Study Area  
(City Code, Ch. 2.78., Article III, and various City Council Orders)
- Preservation Restriction or Easement (as recorded)
- Structure is fifty years or more old and is therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). See the back of this page for definition of demolition.  
**No demolition permit application anticipated.**
- No jurisdiction: not a designated historic property and the structure is less than fifty years old.
- No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request.  
Staff comments: \_\_\_\_\_

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

**If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.**

CHC staff initials SLB

Date February 27, 2020

Received by Uploaded to Energov

Date February 27, 2020

Relationship to project BZA 017247-2020

cc: Applicant  
Inspectional Services Commissioner



## Demolition Delay Ordinance and Application Information

The Demolition Delay Ordinance (Chapter 2.78, Article II of the Cambridge Municipal Code) was adopted by the City Council in 1979 to afford public review of demolition permit applications for potentially significant buildings. When the Historical Commission determines that a building is significant and should be preserved, demolition will be delayed for up to six months so that solutions can be sought to preserve the building indefinitely. The Ordinance covers all buildings over 50 years old, city-wide. The Historical Commission archives provide dates of construction for all properties in the City.

Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." The Inspectional Services Commissioner has provided further guidelines to outline what actions require a demolition permit. **In addition to complete demolition of a building, the following actions may require a demolition permit,**

- **removal of a roof,**
- **removal of one side of a building,**
- **gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and**
- **removal of more than 25% of a structure.**

Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that the building is significant, a public hearing will be scheduled with Historical Commission. If the staff makes an initial determination that the building is not significant, the application is released for further review by the Building Commissioner.

More information about the demolition permit application procedures is available on the Historical Commission's web site or by calling or dropping by the Historical Commission office.

July 2003

Cambridge Historical Commission  
831 Massachusetts Ave., 2<sup>nd</sup> Fl.  
Cambridge, MA 02139  
Ph: 617/349-4683 or TTY: 617/349-6112  
<http://www.cambridgema.gov/Historic>



# City of Cambridge

MASSACHUSETTS

## BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.  
(617) 349-6100

2 Bds

### BZA

### POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

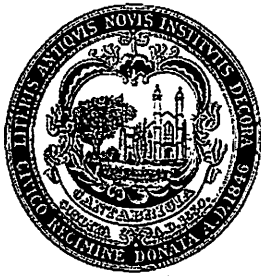
Name: Mark Winn (Print) Date: 3/9/20

Address: 16-18 Forest St.

Case No. BZA-017247-2020

Hearing Date: 3/26/20

Thank you,  
Bza Members



# City of Cambridge

MASSACHUSETTS

**BOARD OF ZONING APPEAL**  
831 Mass Avenue, Cambridge, MA.  
(617) 349-6100

## NOTICE OF PUBLIC HEARING

A Petition has been presented to the Board of Zoning Appeal (BZA) on the following matter. If you wish to express your views in favor of or in opposition to the petition, you are invited to attend the public hearing or submit a written statement to the Board of Zoning Appeal, City Hall, 831 Massachusetts Avenue, Cambridge, Mass. If you would like further information, please contact the Zoning department at 349-6100 or to view BZA Application, Plans & other Submissions on line go to <https://www.cambridgema.gov/inspection/zoning.aspx>, at the top of the page click "Calendar" > click hearing date > click "Board of Zoning Appeal Agenda". Any information filed after the agenda has been posted, can be viewed at the Inspectional Services Department. Please be advised that documents may be submitted or revised by the petitioner or abutters, at any time or from time to time prior to 5:00 p.m. on the Monday before the public hearing, unless the Board allows further changes at the hearing.

Hello,  
We concur with the listed violations.  
We oppose the petition to increase the number of units at 16-18 Forest St.

J. Seyyedi  
J. Gammell  
Sima Kainejadi  
[Signature]

**Senior Center - 806 Massachusetts Avenue, First Floor, Cambridge, Massachusetts**  
**Thursday, March 26, 2020 @ 8:30 pm**

Please Note: If at this hearing, the BZA Chairperson continues the case to a later date, you will not receive further notice. However, dates for continued BZA cases are posted on the notice board at the City Clerk's office in City Hall.

125A Oxford St.  
Cambridge,  
MA 02140

**CASE NO:** BZA-017247-2020  
**LOCATION:** 16-18 FOREST ST  
CAMBRIDGE, MA  
**PETITIONER:** 5527-16-19A Forest Street Cambridge LLC - C/O Noam Kleinman  
**ZONING DISTRICT:** Residence B Zone  
**PETITION:** Variance: For seven (7) new accessible units and one (1) accessible renovated unit in the lower level of this existing building going from 57 to 64 units total.  
Special Permit: For reduction of parking.

**VIOLATION:**

Article 4.000, Section 4.31.G (Use Variance - Multifamily Dwelling).  
Article 5.000, Section 5.31 (Table of Dimensional Requirements).  
Article 6.000, Section 6.35.1 (Reduction of Off-Street Parking).  
Article 5.000, Section 5.26 (Conversion).

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*Javad Seyyedi*  
*125A Oxford St*  
*Cambridge, MA 02140*

CHECK HERE IF THIS IS A NEW ADDRESS

BOSTON MA 021

11 MAR 2020 PM 5 L



**BOARD OF ZONING APPEAL**

**City of Cambridge**

**Inspectional Service**

**831 Massachusetts Avenue**

**Cambridge, Massachusetts 02139**

02139-306801







# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.  
(617) 349-6100

2020 MAR 19 AM 10:19

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal  
831 Mass Avenue  
Cambridge, MA 02139

RE: Case # BZA-017247-2020.

Address: 16-18 Forest St.

Owner,  Petitioner, or  Representative: Noam Kleinman  
(Print Name)

*Hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.*

Date: 3/16/20

  
Signature

# CITY OF CAMBRIDGE

Massachusetts  
BOARD OF ZONING APPEAL  
831 Mass Avenue, Cambridge, MA.  
617) 349-6100

April 15, 2020

5527-16-19A Forest Street Cambridge LLC  
C/O Noam Kleinman  
300 A Street, 5<sup>th</sup> Fl.  
Boston, MA 02210

RE: 16-18 Forest Street – BZA-017247-2020

Dear Sir/Madam:

I am writing to you in regard to your above up-coming Board of Zoning Appeal Hearing.

At this time the City will not be holding any non-essential public meetings due to the COVID-19 Pandemic and the City Manager's closure of all City buildings to non-essential business. On April 3, 2020, the Governor signed into law Chapter 53 of the Acts of 2020 ("Act"), which extends all land use permitting deadlines until after the State of Emergency is lifted. In light of the extensions provided for in the Act and the closure of City buildings, at this time the Board of Zoning Appeal will be rescheduling all public hearings in accordance with the extensions permitted under the Act. You will receive notice of the new date, once the hearing is rescheduled.

Thank you for your patience and understanding during this unprecedented time.

Sincerely,



Maria Pacheco  
Administrative Assistant