

ZACHARY SHWARTZ
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
February 17, 2023

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 17-19 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

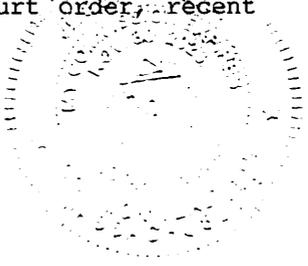
The above-name Noam Kleinman personally appeared before me,
this 10th of February 2020, and made oath that the above statement is true.

 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.



JESSICA JENNA
Missouri Public Commission of Investigation
via Commission Expires 10/10/2003



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 17-19 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:

Exhibit A

- 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.

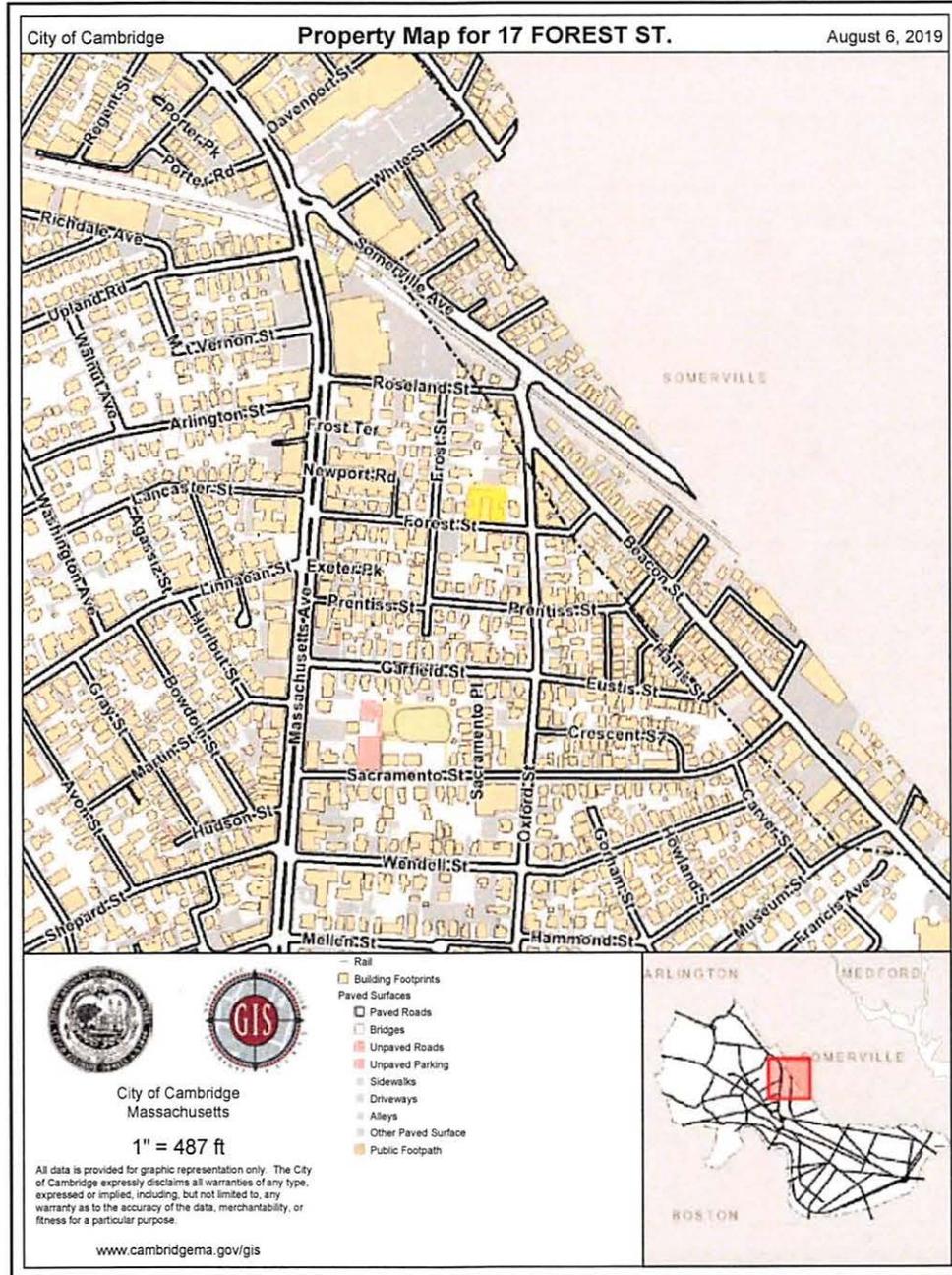
Relief may be granted without nullifying or substantially derogating from the intent or purpose of the Ordinance in regards to the Appellant's project because the existing buildings are both long-time existing non-conformities with regard to the Ordinance's provisions for Floor Area Ratio (0.5 maximum) 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.

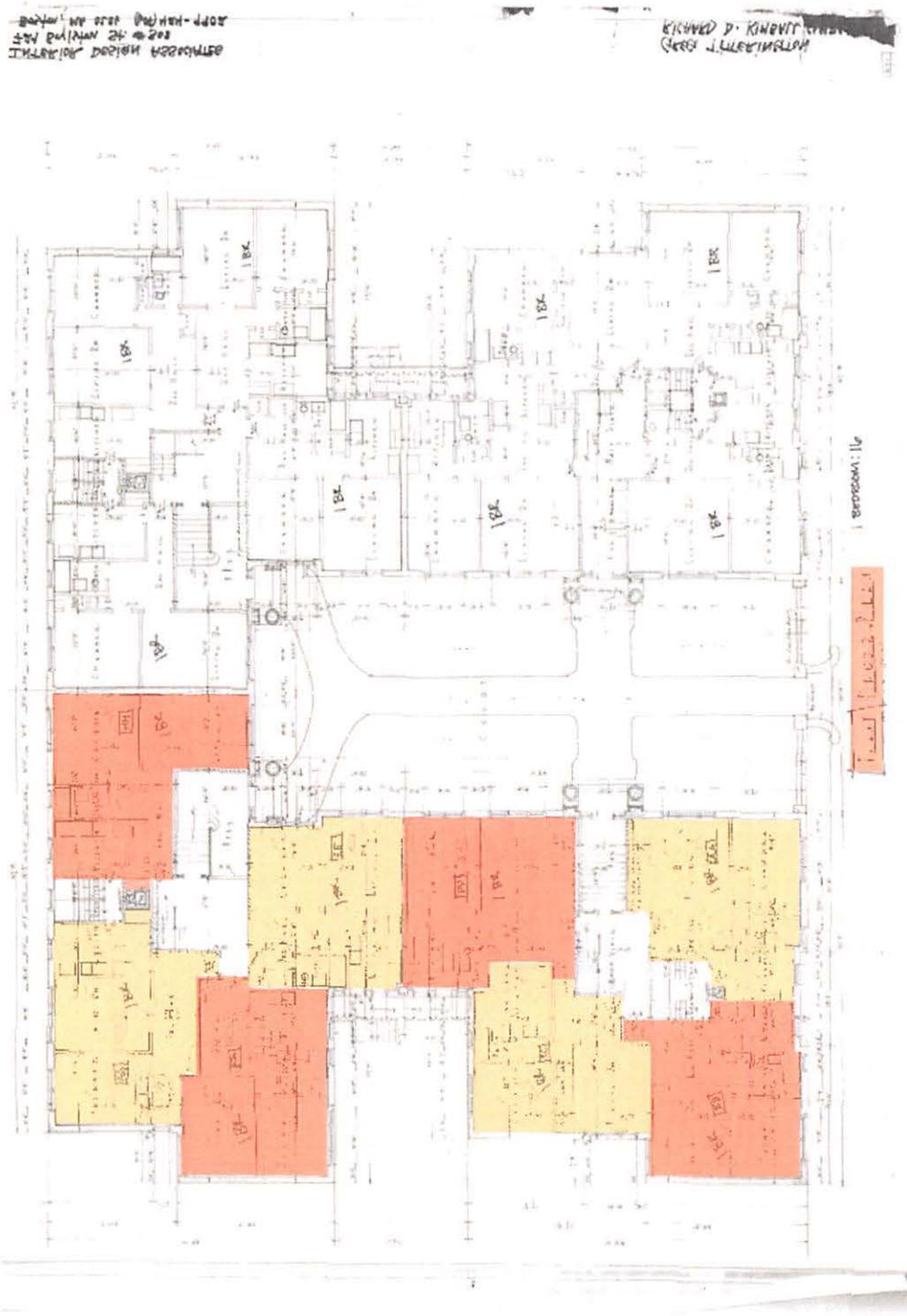
ZACHARY SHWARTZ
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COMMONWEALTH OF MASSACHUSETTS
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GIS Block Map

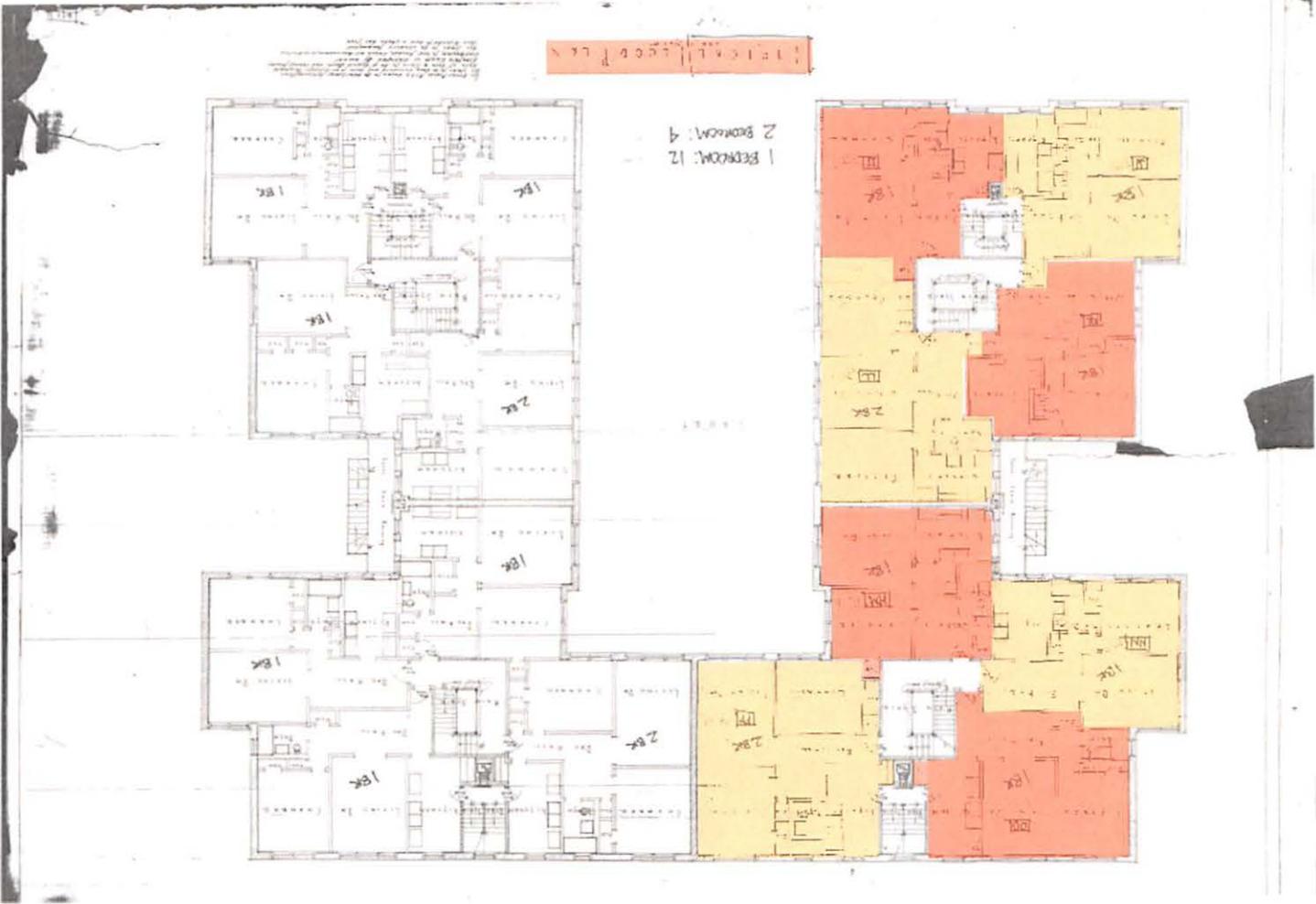
Plans



1st Floor Plan



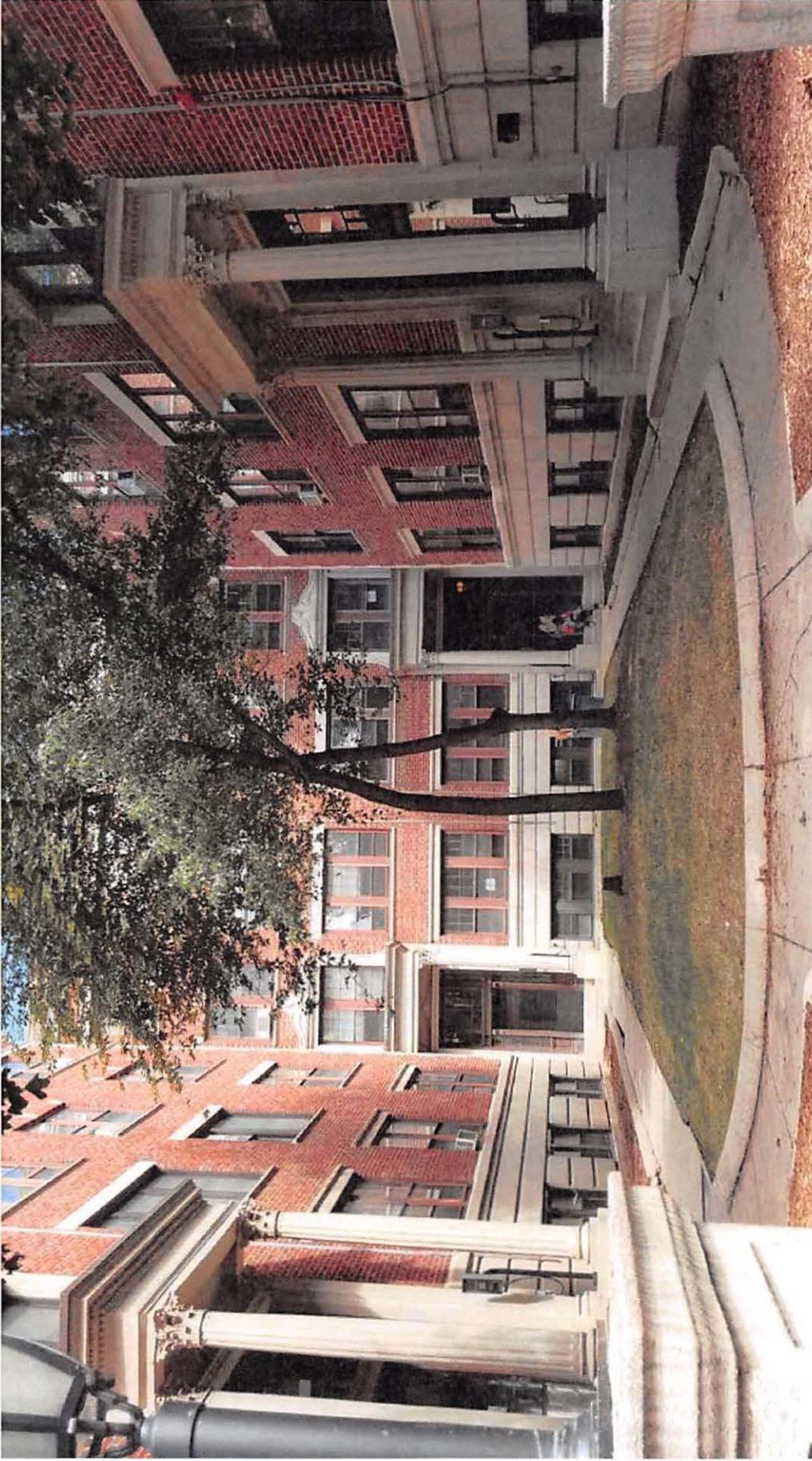
Plans



Typical Upper Level Plan (2-4)



Elevations/ Photographs



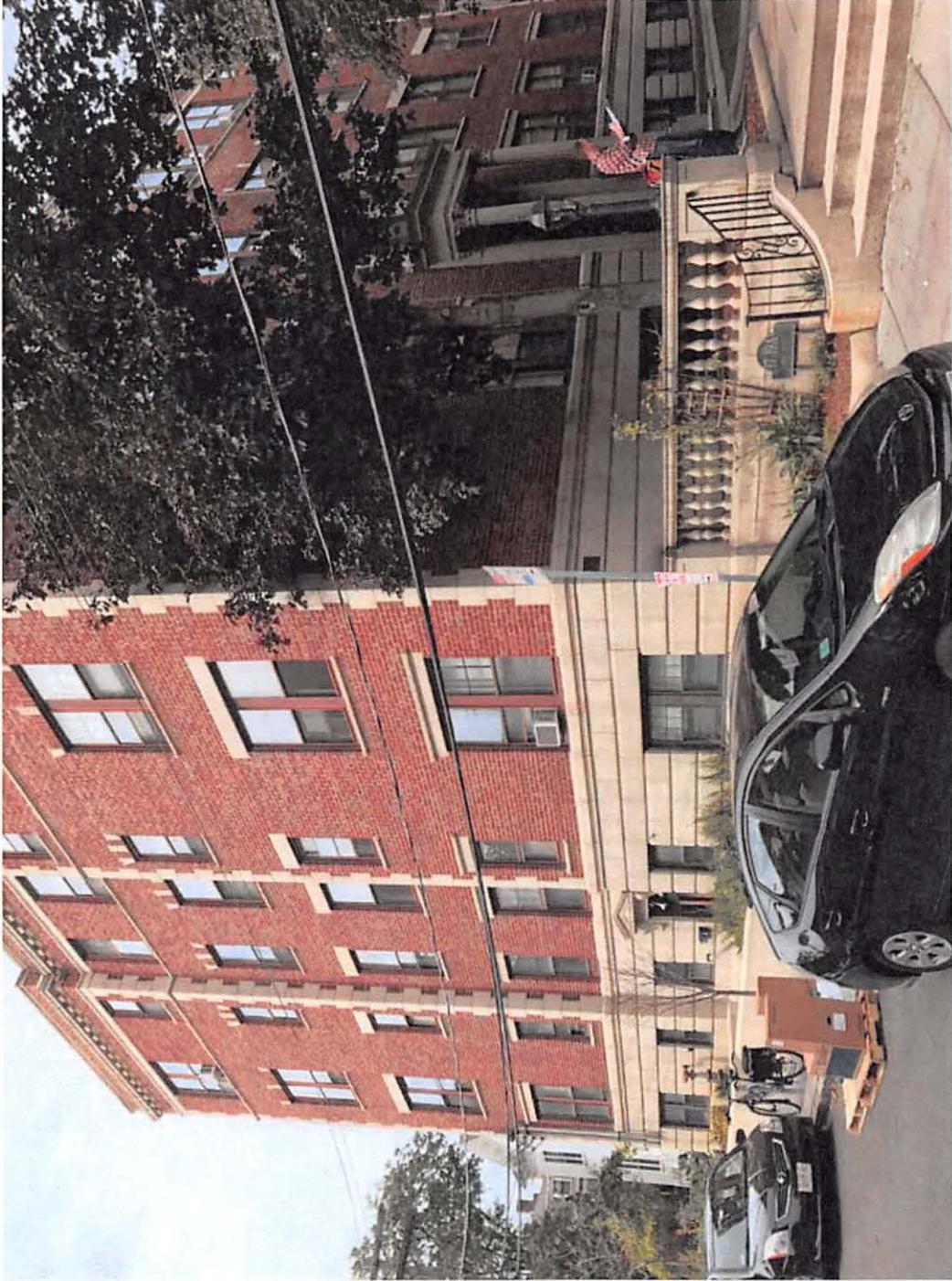


Exhibit E



Ake^elius







CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd 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 17-19 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 017248-2020

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