



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\*

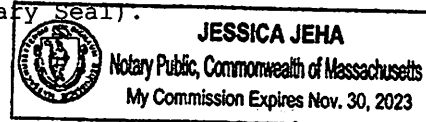
\*Written evidence of Agent's standing to represent petitioner may be requested.

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Commonwealth of Massachusetts, County of Suffolk

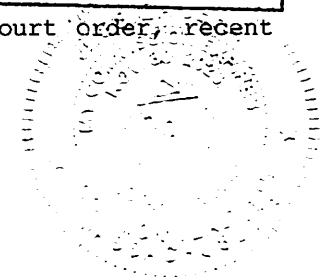
The above-name Noam Kleinman personally appeared before me,  
this 10<sup>th</sup> of February 2020, and made oath that the above statement is true.

 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.



JESSICA JENNA  
Missouri Public Commission on Assessment  
via Commission Expires January 2008



**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.

**BZA APPLICATION FORM**

**DIMENSIONAL INFORMATION**

**APPLICANT:** Ci Design Inc. **PRESENT USE/OCCUPANCY:** Multifamily Residential  
**LOCATION:** 17-19 Forest St Cambridge, MA **ZONE:** Residence B Zone  
**PHONE:** \_\_\_\_\_ **REQUESTED USE/OCCUPANCY:** Multifamily Residential

	<b><u>EXISTING</u></b> <b><u>CONDITIONS</u></b>	<b><u>REQUESTED</u></b> <b><u>CONDITIONS</u></b>	<b><u>ORDINANCE</u></b> <b><u>REQUIREMENTS</u></b> <sup>1</sup>		
<b><u>TOTAL GROSS FLOOR AREA:</u></b>	52,751 SF	64,460 SF	15,206 SF	(max.)	
<b><u>LOT AREA:</u></b>	21,532 SF	21,532 SF	5,000 SF	(min.)	
<b><u>RATIO OF GROSS FLOOR AREA</u></b> <b><u>TO LOT AREA:</u></b> <sup>2</sup>	2.44	2.99	0.5	(max.)	
<b><u>LOT AREA FOR EACH DWELLING UNIT:</u></b>	326 SF	291 SF	2,500 SF	(min.)	
<b><u>SIZE OF LOT:</u></b>	WIDTH	151.27'	50 Feet	(min.)	
	DEPTH	142.00'	N/A		
<b><u>SETBACKS IN FEET:</u></b>	FRONT	5'-0"	15'	(min.)	
	REAR	17'-4"	25'	(min.)	
	LEFT SIDE	0'-0"	N/A	'6" (sum of 20	(min.)
	RIGHT SIDE	0'-0"	N/A	'6" (sum of 20	(min.)
	HEIGHT	43'-9"	N/A	35'	(max.)
<b><u>SIZE OF BLDG.:</u></b>	LENGTH	N/A	N/A		
	WIDTH	N/A	N/A		
		22.8%	N/A	40%	(min.)
<b><u>RATIO OF USABLE OPEN SPACE</u></b> <b><u>TO LOT AREA:</u></b>					
<b><u>NO. OF DWELLING UNITS:</u></b>	66	74	2 Family	(max.)	
<b><u>NO. OF PARKING SPACES:</u></b>	0	0	N/A	(min./max)	
<b><u>NO. OF LOADING AREAS:</u></b>	N/A	N/A	N/A	(min.)	
<b><u>DISTANCE TO NEAREST BLDG.</u></b> <b><u>ON SAME LOT:</u></b>	N/A	N/A	N/A	(min.)	

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

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

## Sorto, Tracy

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**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

BOARD OF ZONING APPEAL

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

BZA

## POSTING NOTICE – PICK UP SHEET

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

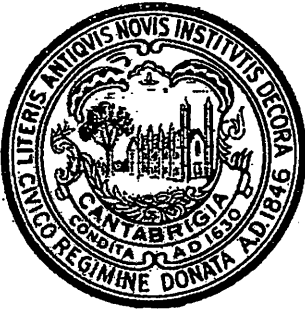
Name: Maureen Date: 6.23.20  
(Print)

Address: 17-19 Forest St.

Case No. BZA-017248-2020

Hearing Date: 7/9/20

Thank you,  
Bza Members



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 - 017248 - 2020

Address: 17-19 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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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>.***

---

<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 style with a large, prominent "Z" and "J".

---

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-017248-2020

Address: 17-19 Forest Street

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

1 \* \* \* \* \*

2 (7:08 p.m.)

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

6 The next case -- it's a related case, as has been  
7 mentioned earlier, is relating to 17-19 Forest Street, Case  
8 Number 017248.

9 And the Chair proposes that we just incorporate  
10 everything we just did with the earlier case on Forest  
11 Street, rather than try to reconstruct what we did before,  
12 and that includes the conditions that we would continue the  
13 case to. Does anyone have a problem with that?

14 BRENDAN SULLIVAN: No.

15 JIM MONTEVERDE: No.

16 BRENDAN SULLIVAN: Yes to agreeing to the past  
17 statement and also to continue this matter to the same date  
18 in January.

19 ANDREA HICKEY: Andrea Hickey, yes to all that Mr.  
20 Sullivan just said.

21 SLATER ANDERSON: Slater Anderson agrees to the  
22 continuance.

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JANET GREEN: Janet Green agrees to the  
continuance.

JIM MONTEVERDE: And Jim Monteverde agrees.

[All vote YES]

CONSTANTINE ALEXANDER: Thank you.

NICK ZOZULA: Thank you.

CONSTANTINE ALEXANDER: Case continued.

NICK ZOZULA: Thank you very much.



# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

BZA

## POSTING NOTICE – PICK UP SHEET

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

Name: BRIGGET SPAN Date: 1/14/21  
(Print)

Address: 17-19 Forest St.

Case No. BZA-017248-2020

Hearing Date: 1/28/21

Thank you,  
Bza Members

CITY OF CAMBRIDGE  
INSPECTIONAL SERVICES

2021 JAN 25 P 3:52

16-19 FOREST STREET CAMBRIDGE, MASSACHUSETTS

# BIKE COMPLIANCE PLAN

BIKE PLAN CONCEPT

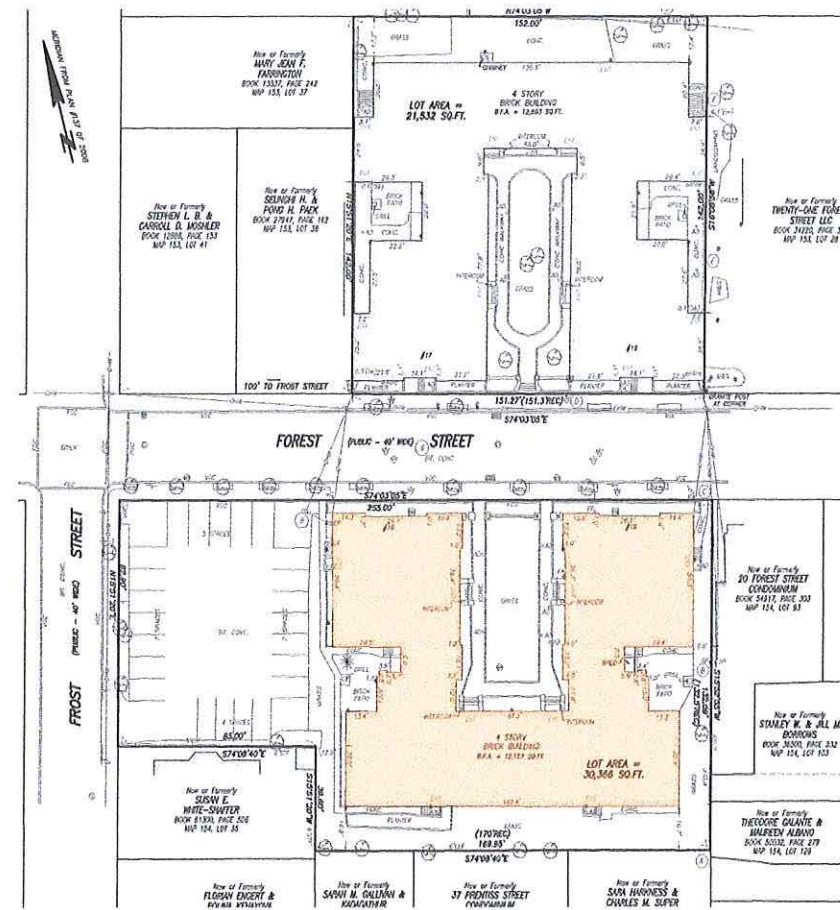
28 JAN 2021



**AKELIUS**

# 16-18 FOREST STREET

## SITE PLAN



## KEY PLAN

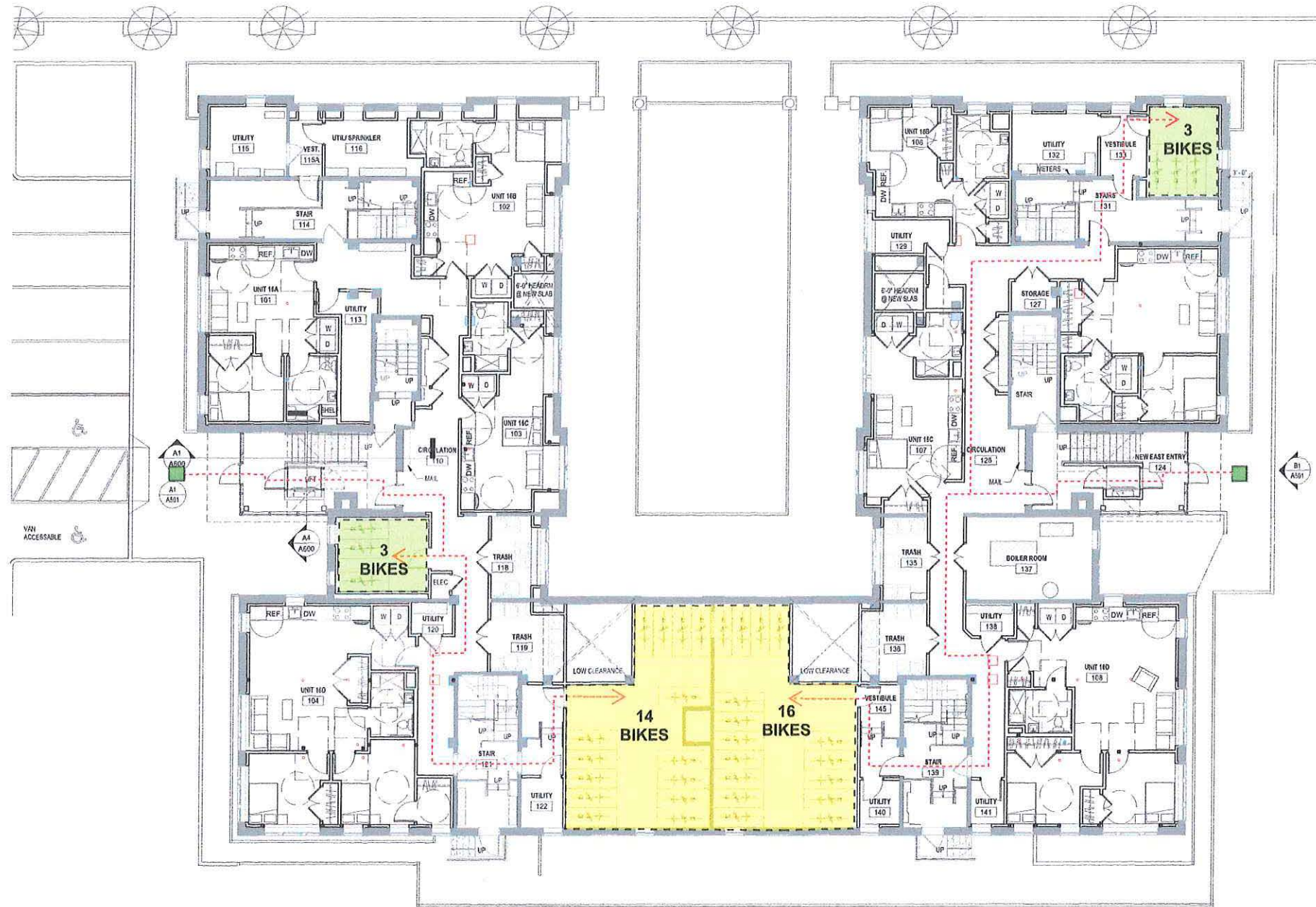
- PROPOSED BIKE STORAGE (30)
- FUTURE PROPOSED BIKE STORAGE (6)

\* 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

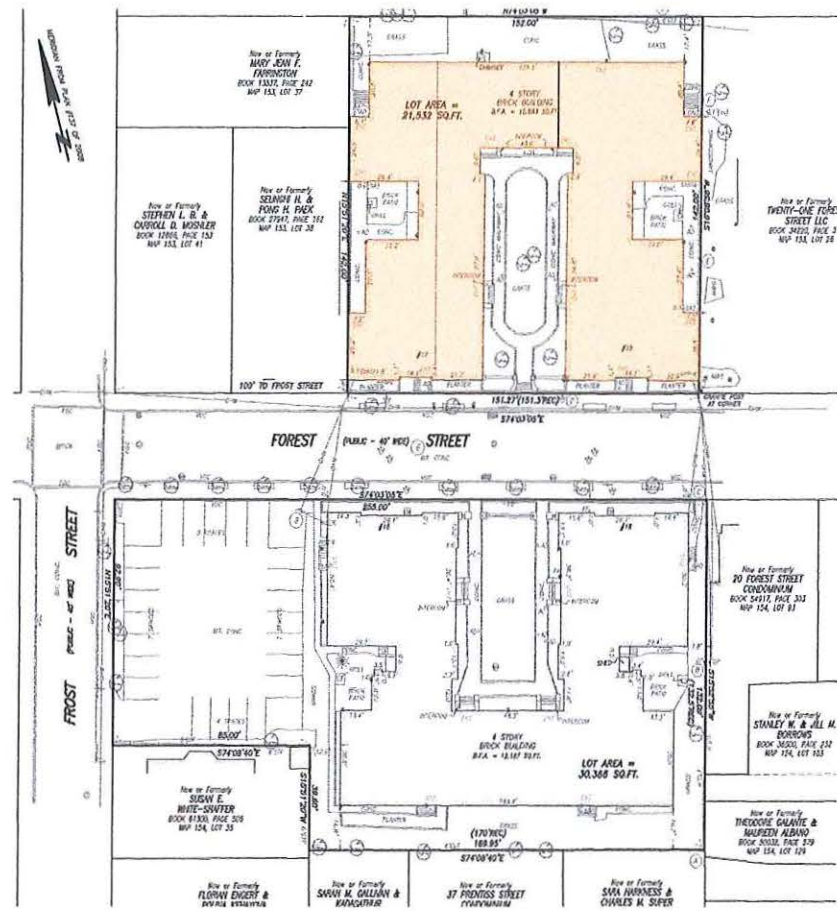








# 17-19 FOREST STREET

## SITE PLAN



## KEY PLAN

-  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 200 FT FROM THE NEAREST ENTRANCE

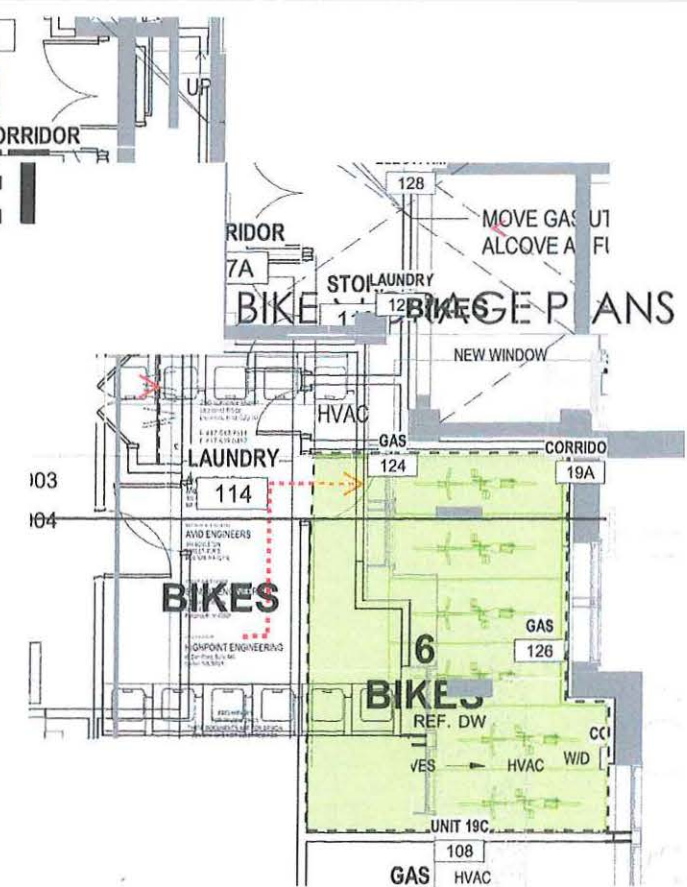
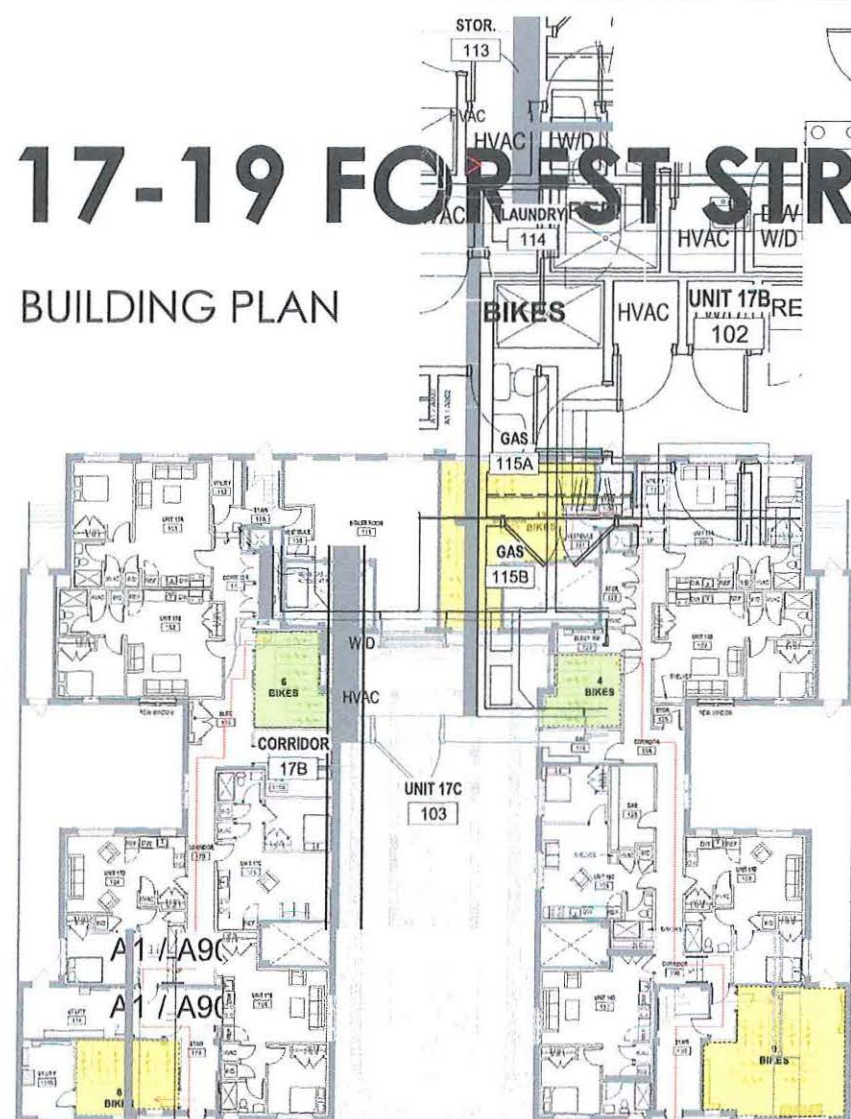
## BUILDING PLAN



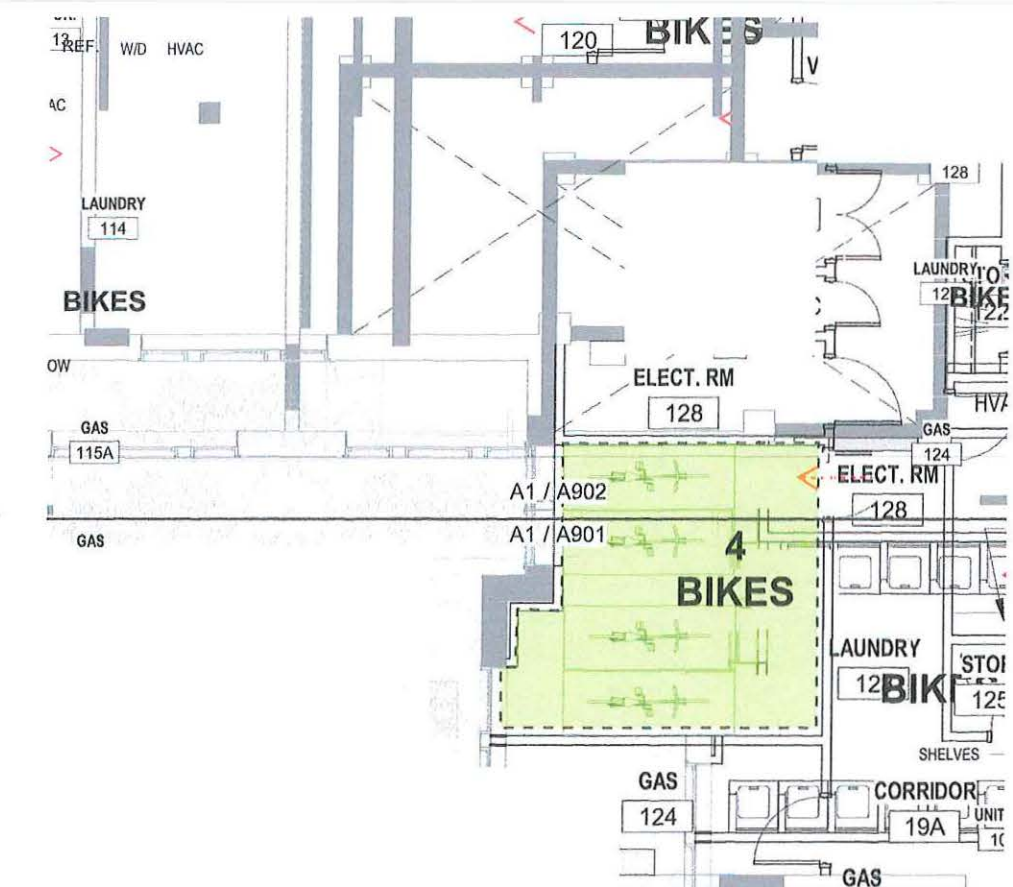
FOREST STREET

# 17-19 FOREST STREET

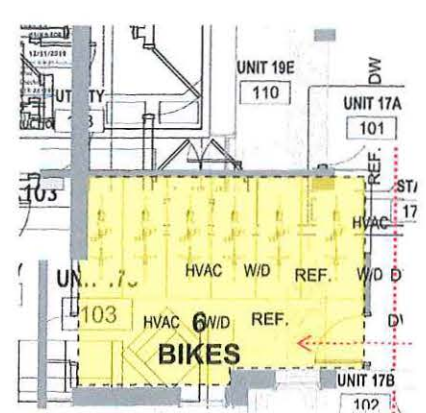
## BUILDING PLAN



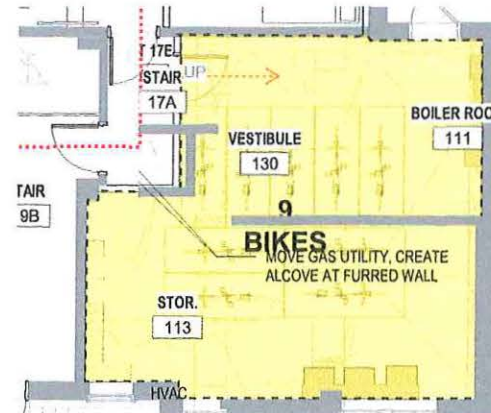
10 FUTURE BIKE SPACES



4 BIKES



9 BIKES



12 BIKES

27 PROPOSED BIKE SPACES

### KEY PLAN

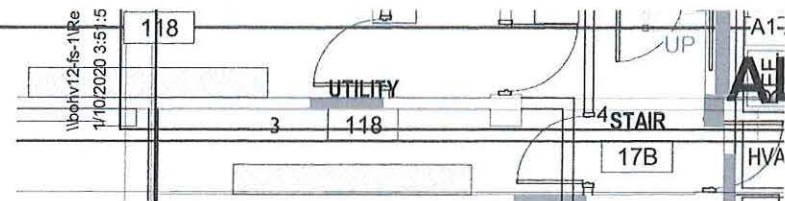
- BIKES PROPOSED BIKE STORAGE (27)
- BIKES FUTURE PROPOSED BIKE STORAGE (10)

\* APPROXIMATELY 37 TOTAL BIKE STORAGE SPACES

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

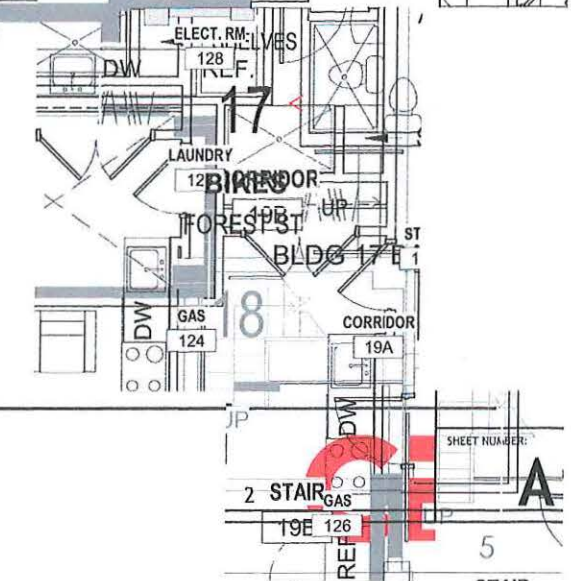
### CONSTRUCTION PLAN A1

1/8" = 1'-0"

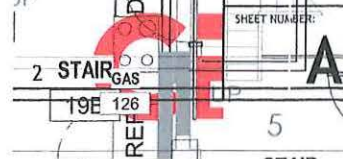


# ALKELIUS | BIKE STORAGE CONCEPT

28 JAN 2021



17 BIKES



SHEET NUMBER: A

# 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



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



1                   SISIA DAGLIAN: And Brendan?

2                   CONSTANTINE ALEXANDER: Okay. So everyone is  
3 here.

4                   SISIA DAGLIAN: And Gus. Okay.

5                   CONSTANTINE ALEXANDER: Hello, we're now going to  
6 start with -- we have three more continued cases. And the  
7 first one I'm going to call -- I'll generally call two in  
8 combination -- 16, well Case Number 017247 -- 16-18 Forest  
9 Street, and Case Number 017248 -- 17-19 Forest Street.

10                   We'll take these cases up together because they  
11 virtually are identical. Same -- the buildings are very  
12 similar; the same relief is being sought and it's just more  
13 efficient to do it this way.

14                   So with that, I will ask -- I'll call the cases.  
15 Anyone wishing to be heard on this matter?

16                   NICK ZOZULA: Yes, Good evening Mr. Chair and  
17 members of the Board. Can you hear me okay?

18                   CONSTANTINE ALEXANDER: I can hear you, yep.

19                   NICK ZOZULA: Great. Good evening Mr. Chair and  
20 members of the Board. Attorney Nick Zozula, McDermott,  
21 Quilty & Miller. We are the Zoning and Permitting Council  
22 on the project.

1           With me tonight is Rich Rankin, who is the  
2 architect from Ci Design. I also see Noam Kleinman is with  
3 us tonight, as well as Kayla Pepdjonovic and Bridget Hearn  
4 from the property ownership team and the proponent here  
5 tonight.

6           Last time we were in front of you all was July 9,  
7 about six months ago, ones projects, and at that time, you  
8 know, we had a robust discussion on the project and its  
9 merits, and we heard two specific aspects of the project  
10 that we got input on.

11           First was on the affordability component, and  
12 second was on bike parking primarily is what we heard. You  
13 may recall, Mr. Chair, as well and members of the Board that  
14 we are in a basement housing -- in the Basement Housing  
15 Overlay District at these properties.

16           However, we do not technically trigger or need to  
17 comply with the basement housing, nor with the Basement  
18 Housing Overlay District on a technicality that we're aware  
19 of is that we are actually in a Residence B zone, not in a  
20 Residence C zone, which is identified in the Basement  
21 Housing Overlay District.

22           So what we've done though is we've looked and

1 taken to heart what you told us six months ago, and we are  
2 complying with as much of the Basement Housing Overlay  
3 District components as we can.

4 And again, on those two specific aspects, on the  
5 affordability, first off, we worked with the folks at the  
6 CDD, including Jeff Roberts, Swaathi, Linda Prosnitz, to  
7 better understand how we can elect to comply with the  
8 affordable component of the Basement Housing Overlay.

9 And so, what we've been able to work with them on  
10 is to come back to you and voluntarily comply with that  
11 aspect of the BHOD by providing one voluntary IDP unit in  
12 each building.

13 That's our understanding is what's required under  
14 the BHOD would be one in each if we were under that. So in  
15 speaking with them, you know, if there's a way for us to  
16 voluntarily work with Linda's office and comply by providing  
17 one in each building where these new units will be.

18 Secondly will be the bike parking. We are adding  
19 15 new units here. Again, just giving you a brief overview  
20 of what we talked about. With a going from 123 units in  
21 these two buildings to 138 units. So we'd be adding eight  
22 in one building and seven in another, in the basement.



1           And at the time we were here in July, we were not  
2 proposing any bike parking at that time, we hadn't really  
3 looked too hard into that.

4           And so, what we've done is we've taken a deep dive  
5 and revisited the plans, and we are able to better utilize  
6 some of the other space in the basement where there was  
7 laundry rooms and boiler rooms, and things that are not  
8 needed anymore for the project in these buildings, and we're  
9 able to provide over 50 -- that's 5-0 -- 50 new internal  
10 bike parking spaces across both buildings.

11           What the Basement Housing Overlay District  
12 requires is a 1:1 ratio for each new unit that you're  
13 proposing.

14           And we're proposing 15 new units, but proposing  
15 50+new bike parking spaces internally in those buildings.  
16 So more than three, 3.5 times what we need to provide.

17           I can let -- we do have a bike plan to show you.  
18 Rich Rankin -- again, from Ci Design as you can see up here,  
19 can walk you through that if you'd like. But you'll - see  
20 that we're kind of taking some old spaces as part of the re  
21 -- the new ownership and kind of the redevelopment of the  
22 interiors of these.

1           The laundry is moving into the units. So these  
2 big laundry rooms that were needed at one time in the  
3 basement just aren't needed anymore. And so, we're able to  
4 kind of adaptively reuse those spaces and provide bike  
5 parking, which you recall was an important topic six months  
6 ago.

7           So I can let Rich walk you through these if you'd  
8 like. Otherwise, the plans remain the same. So I'm happy  
9 to go through those plans after this, but those plans that  
10 we spoke of six months ago are the same.

11           So Rich, I'll cede to you if you want to walk  
12 through what we're proposing.

13           CONSTANTINE ALEXANDER: Before you do that --

14           NICK ZOZULA: Yep.

15           CONSTANTINE ALEXANDER: -- I must confess to be a  
16 little confused.

17           NICK ZOZULA: Okay.

18           CONSTANTINE ALEXANDER: You're seeking zoning  
19 relief.

20           NICK ZOZULA: We are.

21           CONSTANTINE ALEXANDER: A variance of the special  
22 permit. I don't see how you presented a case that you're

1 entitled to receive the variance -- let's go with this is a  
2 variance. You -- I know you touched on it in your  
3 submission.

4 NICK ZOZULA: Yes.

5 CONSTANTINE ALEXANDER: But it doesn't -- they  
6 don't deal with the actual statute itself. I mean --

7 NICK ZOZULA: Well --

8 CONSTANTINE ALEXANDER: Let me start. I -- and  
9 you tell me -- I just, to frame the questions, you have to  
10 demonstrate that a literal enforcement of the provisions of  
11 the ordinance would involve a substantial hardship.

12 I don't know what that hardship is, other than the  
13 fact that you can make more money -- your client can -- if  
14 you have seven more or eight more, depending on which  
15 structure we're talking about -- seven more units. That's  
16 not a hardship within the Massachusetts law that would  
17 justify the granting of a variance.

18 And then you have to say that the hardship is  
19 owing to circumstances relating to the soil conditions,  
20 shape or topography of such land or structures and  
21 especially affecting such land and structure, but not  
22 affecting generally the zoning district in which it is

1 located.

2 NICK ZOZULA: Right.

3 CONSTANTINE ALEXANDER: Again, how do you meet  
4 that requirement? How do you -- what justifies us granting  
5 the variance under these circumstances?

6 What you have is you need -- you want more  
7 apartments in the building, you've got space that's not  
8 being used in the basement, you want to put units down there  
9 -- understandable. And from the business point of view it  
10 makes sense.

11 But from a zoning point of view, it doesn't cut  
12 it, to me anyway.

13 NICK ZOZULA: Yeah, Mr. Chair, I remember we had  
14 this discussion at length in July.

15 CONSTANTINE ALEXANDER: Yes, we did.

16 NICK ZOZULA: And, you know, I think the key word  
17 that we would focus on would be you just read it out --  
18 would be, "or structures" right? And so, these buildings  
19 are over 100 years old.

20 We -- this ownership team is working to update the  
21 units and bring them up to current standards by a) putting  
22 laundry in the units, doing other upkeep and maintenance,

1 building and life safety things of that nature, and that's  
2 the hardship, because what that has done is by doing those  
3 upgrades has triggered the Architectural Access Board  
4 involvement of a 30 percent rule where you spend more than  
5 30 percent of the building's assessed value, and you then  
6 need to comply with accessibility. So --

7           CONSTANTINE ALEXANDER: I think that forces you --  
8 again, you come back to the -- I come back to the fact that  
9 you don't have to upgrade your apartment, except maybe from  
10 a commercial point of view --

11           NICK ZOZULA: Sure.

12           CONSTANTINE ALEXANDER: -- and the justification  
13 is, well we need to take space in the basement. That's not  
14 how zoning works!

15           NICK ZOZULA: Well, if I may, Mr. Chair, I  
16 understand that, but would you -- I think the city would  
17 prefer to have an updated building with life safety and  
18 things of modern features, not necessarily a building that -  
19 - you know, folks don't want to live in.

20           I get -- I mean, I understand that, and we had  
21 this discussion at length and I respect your opinion.  
22 Obviously, you guys see this a lot more than we do.

1           But we're trying to comply. By upgrading the  
2 building, we need to provide accessible units. And we can't  
3 provide accessible units without a substantial financial  
4 hardship, which is in the ordinance, as you just read, as  
5 one of the standards. It would be a substantial hardship  
6 and a building hardship to comply with putting those units  
7 in the regular building.

8           So what we've done is we've come up with a  
9 creative way to put them in the basement, which is why we  
10 need zoning.

11           And I would just be remiss if I didn't state that  
12 none of these zoning requirements are as a result of making  
13 the building bigger, taller, wider, other than an entry  
14 vestibule for accessibility. So all of this is going on  
15 within the existing building footprint.

16           CONSTANTINE ALEXANDER: Yeah, but what's important  
17 is --

18           NICK ZOZULA: So this variance isn't asking for  
19 really any impingement upon -- they're all existing  
20 conditions that we're -- we are making worse, office, with  
21 the Floor Area Ratio and the parking, but they're all  
22 existing nonconformities to the zoning law.

1           CONSTANTINE ALEXANDER: I know, but you're taking  
2 a non -- and I'll stop and I'll move on --

3           NICK ZOZULA: Yeah.

4           CONSTANTINE ALEXANDER: You're taking a building  
5 that is nonconforming substantially with regard to Floor  
6 Area Ratio and you want to increase it more, make it even  
7 more so.

8           Now, your argument about it is that you're going  
9 to improve, upgrade an older building, that would apply to  
10 every case -- that was every case we hear.

11          NICK ZOZULA: Understood.

12          CONSTANTINE ALEXANDER: We have cases that have  
13 got a lot of older buildings, people want to put an addition  
14 on for more living space they want to add dormers, and the  
15 ordinance says you can do that, but you got to meet the  
16 requirements for a variance.

17          And it's just not because -- it's not -- the case  
18 doesn't end if what you're doing is upgrading the quality of  
19 the structure. You also have got to meet the requirements  
20 of the ordinance. And I don't see it happening here.

21          NICK ZOZULA: Well, I don't want to beat a --

22          CONSTANTINE ALEXANDER: No, please respond. I

1 don't want to drag this debate on. But that's my concern.

2 NICK ZOZULA: No, no, yeah -- no, I understand. I  
3 mean, again, I don't -- you know, I don't want to beat a  
4 dead horse because, again, I think we're just doing what we  
5 did six months ago, but we would -- our point is we're kind  
6 of stuck here between what we've been asked to do by the  
7 Architectural Access Board to update the building and  
8 zoning, and that's kind of where we are.

9 You know, we would state that that is a hardship,  
10 and it may not be a typical hardship of topography, grade,  
11 those types of things, but there is a hardship there that  
12 these -- you know, that the structure itself, the shape,  
13 their configuration and the outdatedness affect the  
14 structure's ability, and that's not typical for every  
15 building in the city.

16 But again, like you said, so -- but I guess to  
17 bring it back to my initial talk was -- and intro was that's  
18 why we've tried to come back to you with some of the things  
19 you asked for last time, which was the affordability  
20 component and the bike component.

21 And that's -- you know, that's why we're here with  
22 some changes, which are in direct response to -- other than



1 what we just talked about, his we've heard last time.

2 We can't change the applicability, I'm not going  
3 to make an argument, because there is no argument in terms  
4 of the soil or things like that because the buildings have  
5 been there for 100+ years.

6 So that's where we are. You know, as far as  
7 everything else, it has not changed, other than our  
8 willingness to come back with some things that we heard last  
9 time, which we would hope would help the Board in making its  
10 decision with some of the things we're complying with, so.

11 CONSTANTINE ALEXANDER: Okay. Again, and you're  
12 correct you have responded to some of the issues that were  
13 raised six months ago --

14 NICK ZOZULA: Right.

15 CONSTANTINE ALEXANDER: And of course you're also  
16 right that we would not have this debate, if you want to  
17 call it, six months ago --

18 NICK ZOZULA: Right.

19 CONSTANTINE ALEXANDER: -- about the legal  
20 standard. But we are where we are. And I hear you, and I  
21 will keep my mouth shut. I said all I'm going to say about  
22 this part of your case, except when it comes time to taking

1 a vote, whether we grant you the relief you're seeking.

2 But anyway, Brendan, do you have any questions?

3 BRENDAN SULLIVAN: No. I have a lot of thoughts,  
4 but not any comments or questions at this time. Okay. Jim?

5 JIM MONTEVERDE: Just a question. And this  
6 relates, or -- and I think you explained this before, but  
7 please refresh my memory.

8 In looking at the plans for the two different  
9 buildings, I think I understand, but just so I hear it  
10 correctly, when you come to your unit count total, through -  
11 - for MAAB, for the Massachusetts Architectural Access Board  
12 as you described, you're bound unless you seek a variance  
13 from them, to provide group 2A type units, which is what  
14 this is all about.

15 You're proposing to do those in the one building  
16 that I'm assuming actually has -- the property line is not  
17 hard against the building, so you actually have some room to  
18 enter it around the perimeter and get in, and it looks like  
19 you have a variance from the Architectural Access Board to  
20 use a lift to do the grade transition to get to those  
21 apartments, correct so far?

22 NICK ZOZULA: Yes sir, yes.

1           JIM MONTEVERDE: All right. And then I see in  
2 your description the first page of the application, and  
3 there's basically a note that the lower level of the  
4 existing building has an existing ceiling of 7'6". In its  
5 renovated condition, will that be maintained? Will you  
6 still have the 7'6" ceiling in those apartments?

7           NICK ZOZULA: Rich, I don't know if you want to  
8 answer that one?

9           RICHARD RANKIN: Sure, Nick. Yeah, Richard  
10 Rankin, Ci Design, we're the architects for the project. As  
11 I think we discussed in a little bit of detail last time, in  
12 both buildings, we are actually lowering the floor level  
13 within that lower level in order to get the proper clear  
14 height within the units, and also to allow for the  
15 distribution of the mechanical equipment in the units in  
16 that lower level.

17           So the amount of work to get these units basically  
18 livable at that level is going to require slab work along  
19 with waterproofing of the slab and the foundation walls.

20           JIM MONTEVERDE: Okay. Because if I read this  
21 correctly, I think the 16-18 Forest has existing 7'6" and  
22 the opposite building has an 8'6" ceiling currently.

1 There's a difference in that ground floor at basement  
2 height. Will that be -- will that difference be resolved as  
3 you lower those slabs? Or --

4 NICK ZOZULA: Well, in 16-18 where we have a tight  
5 -- the removal of the slab in order to get the clearance,  
6 will alleviate that. And we're planning on 8'6" ceiling  
7 height --

8 JIM MONTEVERDE: Okay.

9 RICHARD RANKIN: -- in the units with some  
10 softening. In 17-19 we have some clear height, but with the  
11 amount of plumbing under slab drainage and so on that we're  
12 putting in, there's really not much slab left after all that  
13 takes place. So the idea there was to replace the slab from  
14 17-19 as well.

15 JIM MONTEVERDE: Gotcha. And then if I look at  
16 the site plan for 17-19, if I recall from 6 months ago, the  
17 discussion was there was a reason you couldn't put, or  
18 didn't want to put accessible units in that building?

19 RICHARD RANKIN: In 17?

20 JIM MONTEVERDE: Yeah, correct. Why is that?

21 RICHARD RANKIN: Yeah. The main reason was that  
22 it's -- you know, there's no way, it's a zero-lot line

1 building basically, and the only entrances are from the  
2 courtyard side. And they don't access the lower levels,  
3 where, you know, potential units may be.

4 So we don't have access. There's not a reasonable  
5 way to get access to the lower level of 17-19 for  
6 accessibility purposes, so --

7 JIM MONTEVERDE: Okay. That's what puts all the  
8 accessible units into the 16-18 building and MAAB has  
9 granted you a variance for that clustering.

10 RICHARD RANKIN: Correct.

11 JIM MONTEVERDE: Because frankly, that's one thing  
12 I would never favor in -- you know, grouping them all in the  
13 same location, but I see MAAB has granted that variance.

14 That said, when you go back to the Chair's  
15 discussion, the hardship, the financial, the question there  
16 is: We can understand architecturally what it would take to  
17 do, you know, either an elevator or what it would take to  
18 spared those units throughout the building.

19 Financial -- I mean, personally, I would not be  
20 the one who would be able to evaluate that, because that's  
21 really pro-forma in your own construction cost and basis. I  
22 have no way to evaluate that.

1           Is there anything that you've presented in the  
2 description here that substantiates that?

3           RICHARD RANKIN: No, I think we made a  
4 presentation previously which identifies kind of our  
5 situation, which is a little bit -- for the time probably  
6 not so unique, but in this case, we've got four entrances  
7 basically to each building, which serve four units each.

8           So, you know, that also causes kind of a problem,  
9 an appliance problem. There's some firewalls and the makeup  
10 of the building doesn't allow for door swing clearances and  
11 push-pull clearance not that kind of thing.

12           So as far as a monetary analysis or a financial  
13 analysis to show hardship, I don't believe that we've  
14 endeavored to try to -- you know, figure out what that might  
15 be. It's just a situation whereby the -- kind of the way  
16 the buildings are configured; it just causes so much issues  
17 to try to make this work.

18           JIM MONTEVERDE: Okay. You've answered my  
19 question, thank you.

20           CONSTANTINE ALEXANDER: Anything further, Jim?

21           JIM MONTEVERDE: No, thank you.

22           CONSTANTINE ALEXANDER: Andrea?

1           ANDREA HICKEY: Yes. I just had one question. If  
2 I could ask Counsel to just very briefly recap for me again  
3 the 30 percent figure that you mentioned, and that being the  
4 threshold that triggers the Architectural Access Board's  
5 involvement? Just for the public and for my own  
6 information, can you just briefly run through that again?

7           RICHARD RANKIN: Yes, yes, Attorney Hickey, I can.  
8 I haven't looked at the this since we did this the last  
9 time, and we went to the AAB.

10           But the 30 percent rule is if you are doing work  
11 to a building that is more than 30 percent of the assessed  
12 value of the building over, I think a certain period of time  
13 -- I don't know if it was two or three years -- if you're  
14 doing, you know, updates -- any type of work to a building  
15 and you go over that amount, you then trigger accessibility  
16 for the entire building.

17           And so, that's kind of where we were doing updates  
18 and have been doing updates to the building, and, you know,  
19 one way that technically somebody could get around that is  
20 by just not updating the building, which stinks, right?

21           ANDREA HICKEY: Or perhaps doing it over time, vs.  
22 --

1 RICHARD RANKIN: Correct.

2 ANDREA HICKEY: -- versus all at once. So that  
3 was -- that was --

4 RICHARD RANKIN: Correct.

5 ANDREA HICKEY: Wanted to make sure I understood.

6 So --

7 RICHARD RANKIN: Yeah, you're right.

8 ANDREA HICKEY: -- the fact that you want, or your  
9 clients want to do all of this work kind of at one time is  
10 what triggers that 30 percent.

11 NICK ZOZULA: So to a certain extent, yes. You  
12 know, they've been doing work, but what they've been doing  
13 is, you know, my understanding is doing these updates as  
14 units become naturally vacant.

15 Right, they're not forcing anybody out, they're  
16 not displacing anybody, they're doing these as a unit  
17 becomes vacant, and they're working with their tenants,  
18 which is what --, you know, a good landlord should do,  
19 right?

20 And so, some of this is that they don't control  
21 that, right? You know, they are a landlord, they want to  
22 make money on their building. But when a unit becomes



1 vacant, they're doing the work on it.

2           And that's part of the reason why we're in this  
3 predicament is because, you know, at one point they were  
4 crossing that threshold. And yeah, they could wait. But  
5 then that wouldn't really work with what -- kind of how  
6 they're approaching the upgrades in the building.

7           So they're trying to be cognizant of that with  
8 their tenants, while also -- and again, you know, I don't  
9 want to use that stuck between a rock and a hard place; you  
10 can add a third thing here, which is the tenancies, and  
11 making sure that they're treating everybody right.

12           And that's kind of how we got into this originally  
13 with the folks at ISD and the folks at the AAB, and now with  
14 you folks here with another acronym, the BZA. So --

15           ANDREA HICKEY: Right. I actually agree, you are  
16 stuck a bit between a rock and a hard place, but my taking  
17 that and trying to fit it into a box, you know, called,  
18 "hardship" is where I'm stuck a little bit.

19           The idea that a building of this vintage in this  
20 location could be made accessible is in my mind fantastic.  
21 But strictly hardship I'm not there yet.

22           NICK ZOZULA: Understood. And I would just

1 respond -- and you're making some great points -- you know,  
2 my understanding from talking to other folks in the city  
3 again.

4 And I don't know the zoning ordinance inside and  
5 out like others do, and maybe somebody's on the call, but,  
6 you know, we -- we're in this here because we don't comply,  
7 we're not in the Basement Housing Overlay District.

8 So this is almost a technicality. We frankly  
9 should possibly be in front of the Planning Board for most,  
10 if not all, of this, and if we were in the Residence B zone,  
11 so.

12 ANDREA HICKEY: Right, right.

13 NICK ZOZULA: You know, again, some of this -- you  
14 know, the zoning ordinance, it's a tricky beast and, you  
15 know, we've learned a lot about it over the last few months  
16 to come back tonight. But the Planning Board did recommend  
17 approval on this back on June 30 before your July hearing --  
18 you know, wanting to look at some of the things we've  
19 already talked about.

20 So I guess I would just state that if we were in  
21 the Residence B, we would be getting a special permit, at  
22 least --

1           ANDREA HICKEY: Right.

2           NICK ZOZULA: -- that's my understanding.

3           ANDREA HICKEY: Right. Respectfully, though, as a  
4 Board, we can only work with what we have as well, so --  
5 thank you, Counsel, you've answered my question, I do  
6 appreciate it.

7           NICK ZOZULA: Thank you.

8           CONSTANTINE ALEXANDER: Got it? I'm sorry,  
9 Andrea, do you have any further questions?

10          ANDREA HICKEY: No, thank you for asking.

11          CONSTANTINE ALEXANDER: Janet?

12          JANET GREEN: No. I was just curious about what  
13 the Planning Board actually said about this project. And I  
14 don't have it in front of me, Gus. I'm sorry, but I have --  
15 if I can get the file -- hold on, I have a copy of the  
16 letter.

17          ANDREA HICKEY: Great. Thank you.

18          CONSTANTINE ALEXANDER: Let me just dig it out of  
19 the file. Hold on one second. Bear with me. I was going  
20 to mention that later on.

21          ANDREA HICKEY: Oh, okay.

22          CONSTANTINE ALEXANDER: There were a number of

1 letters, not only from the Planning Board, but from  
2 neighbors or people in the area. But -- my goodness, there  
3 are a lot of pages here. Okay. Here is the letter from the  
4 Planning Board, or the -- yeah.

5 "On June 30, 2020, the Planning Board reviewed the  
6 above-referenced Board of Zoning Appeal cases -- " [talking  
7 about both cases, of course] "-- as part of its general  
8 business.

9 After consideration of these requests, and after  
10 hearing testimony from both the applicant's representative  
11 and the public, the Planning Board voted unanimously to make  
12 a positive recommendation to the BZA on the requested  
13 variances and special permits for the creation of additional  
14 units in the existing basements of these two abutting  
15 buildings.

16 This recommendation was made by the Planning Board  
17 in alignment with the provisions set forth in the Cambridge  
18 Zoning Ordinance, Section 20.630 Cambridge Zoning Ordinance,  
19 Section 20.630 standards of the Basement Overlay District.

20 On balance, the Planning Board felt that the  
21 creation of additional accessible units in this area --  
22 studio and one-bedroom sized units, is positive. The

1 location of these in Cambridge and Porter Square is  
2 beneficial due to its accessibility to both public  
3 transportation and neighborhood amenities in the area.

4 The Planning Board recommends further review of  
5 these requests by the Department of Public Works for  
6 compliance with stormwater and sewer regulations, and the  
7 Traffic, Parking and Transportation Department for impacts  
8 on existing on-street and off-street parking capacity."

9 I should ask in view of this last comment from the  
10 Planning Board, have you -- petitioner, have you had any  
11 discussions with the DPW with regard to compliance with  
12 stormwater and sewer regulation, and with Traffic, Parking  
13 and Transportation for impacts on the parking?

14 NICK ZOZULA: I can speak to the second, Mr.  
15 Chair. We have had discussions with TPI based on the bike  
16 parking. We have been in touch with them, and we'll  
17 continue to be in touch with them. That's why we proposed  
18 the 50+ bike parking spaces in that regard.

19 And as the Planning Board's recommendation stated,  
20 you know, we are in a very transit-oriented area.

21 So we have in touch with them. As far as the  
22 first one, I don't think we have, Rich. I know we've

1 looked and we've read the Basement Housing Overlay  
2 requirements with regard to the standards on backflow  
3 prevention, building code and things of that nature, you  
4 know, separation between the stormwater and the sanitary  
5 sewer lines.

6 I know we're confident that we can comply with  
7 that. We haven't had any substantive discussions with them,  
8 but Rich, I don't know if you want to speak on that some  
9 more as far as compliance.

10 So yes to one of them, and on the other one, we  
11 are confident that we will comply, but we haven't had any  
12 discussions on that front, because we just -- I don't know  
13 if that would be --

14 CONSTANTINE ALEXANDER: With regard to when you  
15 had the conversations, was it just with regard to the  
16 biking, or was there -- were any discussions involving the  
17 density, you know, the traffic impact on the on-street  
18 parking?

19 NICK ZOZULA: We had some discussions on that, Mr.  
20 Chair, but it was not a point of contention or a point of  
21 issue. I think, you know, these units are a bunch of one-  
22 bedrooms that we're proposing, two studios and 2 two-

1 bedrooms, and I think our suggestion and what we -- I guess  
2 we heard more by what we didn't hear than what we heard, is  
3 the way I'd put it.

4           And I think the way we're able to allay some of  
5 the concerns is by adding all of that bike parking, which  
6 will further the TOD, transit-oriented development type  
7 nature for this building, which doesn't have any bike  
8 parking now, by my understanding.

9           So we'd not only be providing 1:1 bike parking for  
10 the new units, we'd be providing, you know, 40-something  
11 extra for the existing units in the buildings.

12           CONSTANTINE ALEXANDER: Thank you.

13           BRENDAN SULLIVAN: [Brendan Sullivan].

14           CONSTANTINE ALEXANDER: Janet, you -- thank you.

15           BRENDAN SULLIVAN: Yeah.

16           CONSTANTINE ALEXANDER: Brendan? Yeah. Go ahead.

17           BRENDAN SULLIVAN: Yeah. Counsel, just to go back  
18 a little bit -- capital expenditure of more than 30 percent  
19 of the assessed value triggers the Access Board requirement.  
20 And how many units would you have had to provide in the  
21 existing building, existing framework? Under their formula?

22           NICK ZOZULA: I believe, Mr. Sullivan, it would

1 have been either six or seven. I don't know the percentage.  
2 I know we are providing more than what is required.

3 JIM MONTEVERDE: It would be six. I think it's  
4 five percent, and I think your statement is --

5 NICK ZOZULA: Yep.

6 CONSTANTINE ALEXANDER: Yeah, directly --

7 JIM MONTEVERDE: -- you have 123 existing, that's  
8 --

9 CONSTANTINE ALEXANDER: -- the transcript for the  
10 --

11 BRENDAN SULLIVAN: All right.

12 CONSTANTINE ALEXANDER: -- hearing six months ago,  
13 six was the number that you responded to.

14 JIM MONTEVERDE: Right.

15 NICK ZOZULA: That sounds right. Yes, Mr. Chair  
16 and Mr. Monteverde, it was six, and I believe we're  
17 providing eight. So we're providing two extra.

18 BRENDAN SULLIVAN: So -- and this whole proposal  
19 really is -- it's an exercise in numbers. You know, it --  
20 numbers, and the numbers unfortunately have a dollar sign in  
21 front of them, which is probably triggering this whole thing  
22 is the first number is obviously the purchase price.



1           And then obviously before you get into that, I  
2 would assume that the purchase price was reflective of the  
3 condition of the building, and the desire of the owners --  
4 new owners, developers, to allow certain capital  
5 expenditures of the building to upgrade it, and also, to  
6 recover their reasonable costs of that CapEx.

7           And so that then triggers, "How can we do this?"  
8 And then we can [1:22:08 indiscernible] file of the Access  
9 Board, and that then became unaffordable to do it within the  
10 existing building.

11           And so, how do we get out of this? To sort of  
12 bring it down to simple terms here. And how do we provide  
13 these units? It would be horrendously expensive, I assume,  
14 if the presentation is to do it within the existing  
15 building.

16           And potentially it could have been a loss of  
17 units, in order to reconfigure and make accessible units.

18           So there's a basement area which is underutilized,  
19 and that become a natural spot to put in the required number  
20 of accessible units. Is that sort of it in a nutshell?

21           NICK ZOZULA: Yes -- yeah, Mr. Sullivan, sorry, I  
22 didn't mean to interrupt. Yes, that is a great way to

1 connect the dots on how we got here in a simplistic way. I  
2 would just say that the AAB thresholds are not based on  
3 purchase price. My understanding is it's based on the  
4 assessed value.

5 BRENDAN SULLIVAN: Yeah. No, that's right.

6 NICK ZOZULA: Okay.

7 JIM MONTEVERDE: Correct.

8 NICK ZOZULA: Okay.

9 BRENDAN SULLIVAN: Your business decision is based  
10 on purchase rights.

11 NICK ZOZULA: Correct.

12 BRENDAN SULLIVAN: It goes from there either up or  
13 it goes down, one or the other.

14 NICK ZOZULA: Right. I mean, I think we're -- you  
15 know, we don't really -- I know we've looked at the this to  
16 a certain extent with Rich Rankin. I mean, when we looked  
17 at the this with the Access Board, I mean we were talking --  
18 my understanding was millions of dollars here to make this  
19 compliant with these basement units.

20 You know, it was -- again, a financial hardship to  
21 do this without -- now that was on the Access Board side,  
22 which is why we're making it here, the same argument that,

1 you know, it was -- we're talking millions of dollars to  
2 upgrade these with handrails an all these other things.

3 But it was really the units that came down to it  
4 and how we could comply without spending -- you know,  
5 millions of dollars to retrofit a 100+ year-old building.  
6 And that's kind of why we're here.

7 RICHARD RANKIN: And Nick, I'll just jump in for a  
8 second. So we -- for MAAB, we have to show impracticality  
9 in order to get our variance.

10 And we successfully showed that it was impractical  
11 to meet the letter of the law with regard to accessibility,  
12 and therefore they granted us the variance based on that  
13 impracticality.

14 BRENDAN SULLIVAN: And if the basement area were  
15 not as it is, and allows you to put units in down there,  
16 then you really become -- or do you become caught between  
17 that rock and a hard place?

18 I mean, how do you satisfy them and their  
19 requirement? Or you just get a waiver from them as to the  
20 impracticability of providing accessible use, and you make  
21 that case, and they either grant it for you or they don't, I  
22 guess?

1           RICHARD RANKIN: Yeah. They've already granted  
2 it.

3           BRENDAN SULLIVAN: Right. But I'm just trying to  
4 say -- you know, the procedure here is that if you did not  
5 have this out -- and the out is really the basement areas --  
6 that you can provide accessible units. But --

7           RICHARD RANKIN: We --

8           BRENDAN SULLIVAN: Yep.

9           RICHARD RANKIN: -- yeah, no, I get -- then the  
10 issue would be renovating the other units. We would not be  
11 able to do that within a certain amount of time, as they've  
12 been doing throughout the last few years. We'd have to stop  
13 doing that and renovating them as Ms. Hickey asked. That's  
14 what it is. It's the timeframe.

15           You know, you could slow down and not be  
16 renovating units as quickly as they are doing, and just have  
17 units stay in an outdated form and -- you know, not pull  
18 permits and not trigger this. You know, there are -- that's  
19 a very simplistic way of looking at it. There's nuance to  
20 that.

21           But that's the main -- one of the main reasons why  
22 we're here is to update the rest of the building, and do it

1 as quickly as they can. I mean, they have owned the  
2 building for a few years now, and they've been doing  
3 whatever work they can do up to the state.

4 But, you know, at a certain point, you can only do  
5 so much. 30 percent, you know, does add up fairly quickly  
6 in a building like this.

7 BRENDAN SULLIVAN: [This is Brendan Sullivan] Well,  
8 again, I think the whole exercise is Number 1 to protect the  
9 initial investment, and the upgrading is also to enhance  
10 that investment, which is -- nothing wrong with that, I  
11 guess.

12 So we are now left with we have to go buy six  
13 units at 17-19 Forest, is that right? Or is it six units  
14 total?

15 RICHARD RANKIN: It's seven new accessible units  
16 at 16-18; that's the building on the southern side of  
17 Forest.

18 BRENDAN SULLIVAN: All right, now 16 -- all right,  
19 I'm sorry 16-18, how many units, accessible units do you  
20 have to provide?

21 RICHARD RANKIN: Six.

22 BRENDAN SULLIVAN: We have to provide six. And

1 also, at 17 and 19 Forest?

2 RICHARD RANKIN: I'm sorry, six is the total  
3 between the two buildings. Sorry, Mr. Sullivan.

4 BRENDAN SULLIVAN: That's what I'm getting at,  
5 right. Is --

6 RICHARD RANKIN: I apologize.

7 BRENDAN SULLIVAN: -- that's --

8 RICHARD RANKIN: Six total.

9 BRENDAN SULLIVAN: Okay. So six total, and you're  
10 providing, and you're building 15.

11 RICHARD RANKIN: Eight accessible, yes. And then  
12 we're asking to do similar work on the other side, which  
13 would be standard units.

14 BRENDAN SULLIVAN: All right. And yet the  
15 affordable units you're only providing one in each building?

16 RICHARD RANKIN: Yes. In discussion -- in  
17 reviewing the Housing Overlay and looking at that, if we  
18 were to be doing this with, you know, just basically under  
19 that Housing Overlay, it would be one unit per building.  
20 That's what's in the Overlay District -- that's what's in  
21 the ordinance.

22 BRENDAN SULLIVAN: Yeah. I would feel better if

1 you were providing more. I think that might get me to yes,  
2 rather than just the one, which to me is maybe a basic  
3 requirement, but it's -- to me, it's tokenism, and I would  
4 like to see more.

5 Anyhow, that's money.

6 CONSTANTINE ALEXANDER: Thank you, Brendan. Any  
7 further comments?

8 BRENDAN SULLIVAN: No, no.

9 CONSTANTINE ALEXANDER: I will now open the matter  
10 up to public testimony, if I can find the instructions for  
11 doing this. Here we are.

12 Any members of the public who wish to speak should  
13 now click the icon at the bottom of your Zoom screen that  
14 says, "Raise hand." If you're calling in by phone, you can  
15 raise your hand by pressing \*9 and unmute or mute by  
16 pressing \*6. So we'll just take a few minutes to see if  
17 anyone wishes to be heard.

18 SISIA DAGLIAN: Yes, there are three people. The  
19 first one, phone number ending 5445, you can unmute, please?  
20 Okay, we'll move on to Jan Wall.

21 JAN WALL: Thank you so much. I have a question  
22 about the Planning Board and the part --

1 THE REPORTER: Can you give your name and address,  
2 please?

3 JAN WALL: Sure. My name is Jan Wall, and I'm at  
4 20 Forest Street.

5 CONSTANTINE ALEXANDER: Okay.

6 JAN WALL: Okay. So when we were talking about  
7 the Planning Board and their requirements, there was  
8 something addressed about parking. And what I heard was  
9 there would be more bike -- places for locking bikes.

10 What about disability parking? We haven't heard  
11 anything about that. If we're going to have more affordable  
12 and disability housing, don't we need to create more parking  
13 for those folks? And where would that be?

14 RICHARD RANKIN: This is Richard Rankin, I can  
15 jump in. What we are doing, we have a small lot, as you can  
16 see, adjacent -- you're familiar with it, adjacent to 16-18,  
17 with basically deeded spaces in it. Our plan is to restripe  
18 that parking lot to provide two handicapped accessible  
19 spaces, with access to the adjacent accessible vestibule.

20 JAN WALL: So how many affordable and disability  
21 units are you again considering?

22 NICK ZOZULA: Well, there would be -- Ms. Wall,



1 those would be separate, right? There would be one IDP unit  
2 in one of the buildings, and one in the other.

3 One would be an accessible -- one would be an  
4 accessible IDP unit, one would be a standard IDP unit. So  
5 one of the accessible IDP units would be in 16-18 Forest,  
6 and we're proposing eight accessible units in that building.

7 JAN WALL: So as I understand it, there are two  
8 parking spots for at least eight of those units?

9 RICHARD RANKIN: That is correct. Yeah, we're --  
10 it's a -- you know, there's only so much we can do in a lot  
11 with an existing building on it.

12 So, I think to Rich's point is, you know, we're  
13 trying to work within the confines of what we have, and we  
14 are seeking, I believe, you know, we are seeking a special  
15 permit for the reduction of parking for the new units.

16 JAN WALL: I understand that. I guess I'm  
17 concerned that you're adding bike accessibility while taking  
18 away parking for handicaps.

19 NICK ZOZULA: No, the bike parking space would be  
20 separate. It's not on the lot, it's in the building. So we  
21 wouldn't be able to put vehicular parking spots where the  
22 bike parking is going.

1           JAN WALL: Okay. I'm still concerned about that,  
2 but thank you.

3           NICK ZOZULA: Okay. I guess the response would  
4 be, Ms. Wall, that we're doing the best we can under the  
5 constraints of the site and the lot with what we have there  
6 for available parking. There's just only so much parking  
7 available to go with it. But, you know, we --

8           JAN WALL: Exactly. That -- yeah.

9           NICK ZOZULA: -- yeah, we have looked at that --

10          JAN WALL: That's my --

11          NICK ZOZULA: -- as -- yep.

12          JAN WALL: -- that's exactly my point.

13          NICK ZOZULA: Yep. I understand. I mean, I  
14 guess, you know, these are Group 2 units.

15                 Rich, I mean, I don't know -- it doesn't  
16 necessarily mean that, you know, an individual needing  
17 handicap -- I don't know if that necessarily means that an  
18 individual in these units would require an accessible  
19 parking handicap parking space. I don't know the details of  
20 that, we'd have to go deeper.

21           JAN WALL: But wouldn't you want that to be  
22 available, if they did need it?

1           NICK ZOZULA: Yeah. And we would have two spaces.  
2 But I understand -- yeah, I understand. Otherwise we'd be  
3 taking spaces away from the rest of the building. But I  
4 mean we can look at that further.

5           JAN WALL: Okay.

6           NICK ZOZULA: I understand your point.

7           ANDREA HICKEY: Hi. It's Andrea Hickey speaking  
8 here. Sisia, is it possible to bring up a copy of the site  
9 plan, just so we can see where the parking is on the lot?

10          SISIA DAGLIAN: Yes. Just going to --

11          RICHARD RANKIN: Sisia, page 2 would be a good  
12 place.

13          SISIA DAGLIAN: Is that the most recent  
14 presentation, or the older one?

15          RICHARD RANKIN: The most recent would be --

16          SISIA DAGLIAN: All right.

17          RICHARD RANKIN: -- it shows those spaces  
18 adjacent.

19          SISIA DAGLIAN: So here. Oh, it's this lot here?

20          RICHARD RANKIN: Correct. So that indicates the  
21 existing condition on the overall site plan. And the  
22 enlarged plan to the right, you can see the handicapped

1 spaces and the curb cut that provide access to the  
2 vestibule. So those are the two spaces that get restriped.

3 As a percentage of the total parking that we're  
4 providing on site, certainly two is more than what's  
5 required for new spaces.

6 JAN WALL: Thank you. I appreciate that you're  
7 providing what's required, but I'm more concerned about  
8 providing for what is needed. Thank you.

9 RICHARD RANKIN: Thank you.

10 ANDREA HICKEY: I'm all set with the plan. Thank  
11 you, Sisia.

12 CONSTANTINE ALEXANDER: Anyone else, Sisia?

13 SISIA DAGLIAN: Yeah. So phone number ending  
14 5445?

15 CLIFF SHORE: Yes, this is Cliff Shore. And I  
16 actually had a question, but the Chairman addressed it. I'm  
17 actually presenting next, but I did have a question and the  
18 Chairman asked the question for me. So thank you.

19 SISIA DAGLIAN: Okay. Susan White? Hang on.  
20 Yeah. Susan White?

21 SUSAN WHITE: Can you hear me?

22 SISIA DAGLIAN: Yes.

1           CONSTANTINE ALEXANDER: Yes.

2           SUSAN WHITE: Okay. My name is Susan White, thank  
3 you for taking me for this conversation. One thing I'm  
4 really surprised at, and kind of very appalled at, is why  
5 there's never been a conversation on curb cut?

6           So my property -- and I'm going to say it's been a  
7 situation from hell -- but my property is 50 Cross Street.  
8 The curb cut is on -- the current curb cut is on Cross  
9 Street, but the address to these two buildings is on Forest.  
10 And in my opinion, the curb cut ought to be on Forest to  
11 enter the parking lot.

12           So the curb cut as it stands now encourages people  
13 coming from Mass Ave to go the wrong way down Forest --  
14 sorry, Cross Street -- to enter the parking lot. So I very  
15 frequently see people going down the wrong way to Cross  
16 Street to enter the parking lot.

17           Because they don't want to go around the block,  
18 and then going around the block would put a lot more traffic  
19 onto Prentiss Street which really doesn't belong there.

20           So there's two ways to enter -- you know, this  
21 whole building area. It's -- one is from Oxford, which puts  
22 proper traffic pattern down Oxford and down Prentiss, and

1 then into the parking lot -- that's proper, but anything  
2 coming from Mass Ave in my opinion just plain doesn't work.  
3 And that's a very common entry way. So that's one issue.

4 Another issue is there's -- the property line is  
5 like one foot away from my house -- obviously,  
6 grandfathered, all that stuff. But the problem with that is  
7 oftentimes a large vehicle cannot make the proper radius to  
8 go the proper direction onto Cross Street. So therefore, it  
9 encourages larger vehicles -- snowplows, dumpsters, whatever  
10 -- to go down the wrong way on Cross Street, and this is  
11 really unsafe.

12 So there's traffic patterns and lack of safety.  
13 Thank you.

14 CONSTANTINE ALEXANDER: Thank you for taking the  
15 time. Sisia?

16 SISIA DAGLIAN: Yeah. James Williamson?

17 JAMES WILLIAMSON: Yes. James Williamson, 1000  
18 Jackson Place. Bear with me, I'm getting bumped off a lot,  
19 because I guess I don't have a great connection here where I  
20 live in North Cambridge.

21 So if I do get bumped off again, wait until I come  
22 back to finish my remarks, which will be brief, and I will

1 signal that I'm done so you'll know. Thank you.

2 I'm mainly interested in the next case, but I did  
3 listen with great interest to this case when it was first  
4 presented, and it was very interesting to me, and I -- maybe  
5 this has been addressed and someone could just clarify if it  
6 has been to your satisfaction.

7 My understanding from the initial presentation was  
8 that there was a question about how these two buildings were  
9 being treated for purposes of meeting the requirements under  
10 the Inclusionary Zoning Ordinance that if they were treated  
11 as one combined entity, the number of units might be larger,  
12 but if they're treated as two separate ones, they get to not  
13 do as many inclusionary units.

14 Is my recollection correct? And has that been  
15 addressed to the satisfaction of the Board? It certainly  
16 seems to be a legitimate concern that they might be trying  
17 to circumvent the purpose of the ordinance.

18 And that's it. I'm done. And I'm sympathetic to  
19 what the neighbors are asking about, but that's the concern  
20 that I wanted to bring up. Thank you.

21 CONSTANTINE ALEXANDER: Thank you.

22 SISIA DAGLIAN: I don't see any more.

1           CONSTANTINE ALEXANDER: Okay. I think I will  
2 close public testimony. I will report that we have a number  
3 of written comments on the relief being sought. There was  
4 one letter in support, and there were several opposed to  
5 granting the relief that's being sought.

6           And of course there is a letter -- the Planning  
7 Board, as we've talked about already, has gone on record as  
8 supporting the relief that's being sought.

9           So with that, I will totally close public  
10 testimony, and discussion by Board members? Where do you  
11 want to go from here? Usually we don't often have  
12 discussion, but the cases are pretty cut and dry, and it's  
13 clear -- it seems to me, that the relief should be or should  
14 not be granted, and we'll go right to a vote. And I know  
15 we've had a lot of questions so far, but if Board members  
16 want to speak further to this, now's the time.

17           ANDREA HICKEY: Mr. Chair, Andrea Hickey speaking.  
18 I'd like to ask Counsel along the lines of what Mr. Sullivan  
19 raised, is there a possibility that more units could be  
20 designated affordable, even though as a Board we can't  
21 require that? We can certainly inquire about it. Is that a  
22 possibility.



1           NICK ZOZULA: Yeah, Attorney Hickey, I'd have to  
2 defer to the folks from the proponent on that. I can't  
3 answer that right now for them. So I mean, no.

4           If you or somebody else from the team wants to  
5 answer that, my understanding is we've looked at that and  
6 that wasn't an option, based on our discussions with -- you  
7 know, the folks at the CDD. We did talk with them at the  
8 end of last week, and had a good meeting with them.

9           I know when we've crunched the numbers and looked  
10 at things, that that wasn't necessarily something we were  
11 able to do. I understand why you're asking it, obviously.

12           So, I mean, unless somebody from the team has  
13 anything else to chime in on, my understanding is now, we're  
14 not able to do any additional, but I don't know. Noam, I see  
15 you just -- you wanted to answer, yeah.

16           NOAM KLEINMAN: Yeah. I can speak to that.

17           NICK ZOZULA: Yeah, go ahead.

18           NOAM KLEINMAN: Under the requirement, if we had

19 --

20           CONSTANTINE ALEXANDER: Excuse me a second, just  
21 give your -- identify who you are?

22           NOAM KLEINMAN: Sorry, Noam Kleinman. I'm

1 speaking on behalf of the ownership.

2 CONSTANTINE ALEXANDER: Thank you.

3 NOAM KLEINMAN: If we had done 10 units per  
4 building of additional units -- and my understanding we  
5 would at that point be required to have one additional  
6 inclusionary unit per building -- despite the fact that  
7 we're not reaching either one of those 10 units, we're still  
8 providing one IDP as a percentage of the project that  
9 becomes a much larger percentage.

10 And we're doing so voluntarily. I don't see  
11 financially how that would be viable to do more than that.

12 And to answer the question before from the public,  
13 it would still be the same case if we looked at the number  
14 of units of the two buildings combined or separately?  
15 Because under both cases, we're already exceeding what would  
16 be required if we reached that limit. So --

17 And so in our perspective, we are putting more  
18 accessible units than are required. We are putting more  
19 inclusionary units than are required, and in the discussion  
20 with the city, we found the opportunity. They were very  
21 interested in having a significant amount of bicycle  
22 parking, and we found the opportunity to put more parking --

1 more bicycle parking spaces than required.

2 I think that from a financial standpoint, we've  
3 reached our abilities.

4 BRENDAN SULLIVAN: This is Brendan Sullivan. Mr.  
5 Kleinman, I -- in response I appreciate the fact that you're  
6 providing more than what is required, but the project in  
7 total is providing more than what is allowed. And that's  
8 where it falls in our lap to come up with the hardship to  
9 allow more than what is allowed, not what is required.

10 Following up again on Andrea, if you were to come  
11 down and ask us to allow six units over those two buildings,  
12 that gets you by the Barrier Board, the Access Board  
13 requirement. And then you can go ahead and do the rest of  
14 your renovations. It's going up to the 15 units, so you  
15 have the six that you're required to provide or need to  
16 provide, in order to go along with your Capital Expenditure  
17 program.

18 And so, you said, okay, we will then provide one  
19 additional affordable unit in each building, as sort of a --  
20 you know, a little plus here. But it's the additional units  
21 beyond that, the six that are -- you would have to provide,  
22 and the 15 that you're requesting. I think that that nine

1 is sort of a bonus to the ownership to the developers. I  
2 would like to see the city share in more of those nine  
3 units.

4 NOAM KLEINMAN: If I'm --

5 BRENDAN SULLIVAN: And whether it be half that  
6 number --

7 NOAM KLEINMAN: Well, I --

8 BRENDAN SULLIVAN: -- by, you know, to give -- you  
9 know, you guys a benefit, but also a benefit back to the  
10 city.

11 NOAM KLEINMAN: Yeah. I mean, we've worked  
12 extensively on this since the previous meeting. The  
13 accessible units are already a financial loss, which is why  
14 we needed the additional units in order to make --

15 BRENDAN SULLIVAN: Mr. Kleinman, let me ask you  
16 this question, if this Board were to deny the relief being  
17 requested, what position does that put the ownership in?

18 NOAM KLEINMAN: We would have --

19 BRENDAN SULLIVAN: Where do you going forward from  
20 now? If say this Board were to deny the relief being  
21 requested, then what is the situation that the ownership is  
22 in, the developers are in?

1           NOAM KLEINMAN: We would have to go back to the  
2           Accessibility Board and see what our options are, because --  
3           sorry Nick --

4           NICK ZOZULA: No, I was just going to say yeah, we  
5           would have to -- we would either have to have a discussion  
6           with the Accessibility Board, which has approved this  
7           several years ago, and it would significantly halt any  
8           updates to the building, based on our calculations in the  
9           thresholds.

10           So we would -- you know, you'd have a building  
11           that's 100 something years old and when this ownership took  
12           over the building, they realized it was severely outdated,  
13           not just the basement but the whole building.

14           And so, you would halt those updates to a certain  
15           extent, and we'd have to look at the numbers, and we'd have  
16           to go back to the AAB, and we'd kind of be back to the  
17           beginning, which would be unfortunate.

18           BRENDAN SULLIVAN: Right. And then you could stage  
19           your upgrades over time to basically not be subject to the  
20           interests of the requirement of the Access Board, and that  
21           would stretch out your capital program over many years, I  
22           would assume, if that is correct.

1 JIM MONTEVERDE: Um --

2 NICK ZOZULA: And of course then --

3 ANDREA HICKEY: But then at the end of the day,  
4 there are no affordable units and no accessible units.

5 NICK ZOZULA: But, but --

6 BRENDAN SULLIVAN: But then that, obviously, then,  
7 you know, time is money, obviously, so.

8 NOAM KLEINMAN: It's not only that, but --

9 BRENDAN SULLIVAN: And again, as I said in my  
10 earlier statement, this whole thing comes down to numbers,  
11 and the numbers seem to have a dollar sign in front of it.

12 NOAM KLEINMAN: I agree, but it also comes to  
13 people -- it comes down to people. And someone pointed out  
14 earlier that we could stretch it over a longer period of  
15 time, which is true. And we would be avoiding the  
16 triggering the threshold.

17 However, having construction in an occupied  
18 building over a long period of time is a significant impact  
19 on the residential building. We've been very delicate. We  
20 have to balance between we don't want to push any residents  
21 out -- and we do not in any circumstances push any residents  
22 out, and that's why we only do renovations when the unit

1 becomes organically vacant.

2 At the same time, it means prolonged time of  
3 construction for those residents who are in the building.

4 So we're trying to balance the two. So if we  
5 don't get, as you pointed out, the results we were hoping  
6 for here, we would be going back to the starting line with  
7 the Accessibility Board.

8 BRENDAN SULLIVAN: Okay. I'm --

9 CONSTANTINE ALEXANDER: Anyone else? Any other  
10 Board members want to ask further questions, before we go  
11 onto a discussion about what to do tonight?

12 [Pause]

13 I guess not. So, okay public --

14 LAURA WERNICK: Gus?

15 CONSTANTINE ALEXANDER: I'm sorry?

16 JIM MONTEVERDE: Excuse me, Mr. Chairman --

17 LAURA WERNICK: This is Laura Wernick.

18 CONSTANTINE ALEXANDER: Oh, hi, Laura.

19 LAURA WERNICK: I'm not sitting tonight, but I --

20 CONSTANTINE ALEXANDER: I'm sorry, I didn't mean  
21 to cut you off.

22 LAURA WERNICK: -- I'm in the audience. Can I

1 make a comment?

2           CONSTANTINE ALEXANDER: Sure.

3           LAURA WERNICK: Well, I'll just say that many  
4 building inspectors will track construction projects over  
5 time and not let -- will not allow you to escape from the  
6 accessibility, the 30 percent, just because the projects are  
7 extended over -- individual projects are extended over time.

8           Typically they'll track that, and make sure that  
9 in a single building, multiple projects over time will still  
10 count toward the 30 percent.

11           So you can't escape it by stretching out the time  
12 frame, most typically, I've found.

13           NOAM KLEINMAN: I think the reference is that we  
14 would -- there's a three-year time frame for the amount.  
15 They measure the amount spent over three years, compared to  
16 the current value. So we would have to postpone any  
17 projects until such time that the old projects are exited  
18 from the three-year timeframe.

19           LAURA WERNICK: No, I understand. I'm just saying  
20 that many building inspectors when they understand that you  
21 are planning on doing a series of projects, and you're  
22 extending it over time to avoid the requirement, will not --



1 will hold you to the accessibility requirement, even -- now  
2 this may not be universal among building inspectors, but

3 I've certainly seen it applied where they will  
4 still require the compliance, even if you're -- even if  
5 you're beyond the three-year period. If they know that  
6 you're anticipating on doing this over a period of time to  
7 avoid the compliance, they won't allow you to do that.

8 NICK ZOZULA: Yeah. Ms. Wernick, if I may -- this  
9 is Nick Zozula -- and that's what we're trying not to avoid  
10 that. So you're making our point to a certain extent, so I  
11 appreciate that as what we're trying to do is exactly --  
12 we're not trying to skirt the rules, we're trying to comply  
13 with the rules, which is why we're here in the first place,  
14 so I appreciate --

15 LAURA WERNICK: Right. I appreciate that. I'm  
16 supporting your --

17 NICK ZOZULA: Yeah, no I appreciate -- you are,  
18 and thank you for stating it in such a simplistic way that I  
19 couldn't. You're right. That is part of this process is we  
20 are trying to comply and be, and they are trying to be good  
21 landlord property owners, and that's part of why we're here,  
22 because if they wanted to string things along or do

1 renovations without proper permits, like others do, they  
2 could be doing that. And they're trying not to.

3 And again, you know, they are asking for things  
4 and the city's asking for things. So there's a little more  
5 nuance to that. But your point's well-taken. Thank you for  
6 making it.

7 CONSTANTINE ALEXANDER: Anyone else?

8 ANDREA HICKEY: Mr. Chair, it's Andrea Hickey  
9 speaking. Could you just refresh my recollection regarding  
10 any Planning Board requests or requirements as a condition  
11 of their support?

12 CONSTANTINE ALEXANDER: I read the letter before.  
13 I can read it again, but there's no -- they just said we  
14 support it. They put -- they wouldn't -- the only condition  
15 was that they wanted the petitioner to have conversations  
16 with the Traffic Department and with the DPW.

17 ANDREA HICKEY: Okay.

18 CONSTANTINE ALEXANDER: And the report was that  
19 they had some discussions with the Traffic Department on one  
20 or two issues, and nothing with the DPW. Did I get that  
21 right, petitioner?

22 NICK ZOZULA: Yes, sir, that is correct. Yeah.

1 They asked us to come to you because it was under your  
2 purview. They asked us to look at those things, which is in  
3 line with what you've asked us to look at, and we've done  
4 so. So we would suggest we're complying with the  
5 recommendation in their suggestions when they made it, you  
6 know, seven months ago.

7           ANDREA HICKEY: Thank you.

8           BRENDAN SULLIVAN: This is Brendan Sullivan. If  
9 you had come down before us with the -- your scenario of  
10 events, and your requirement to provide six accessible units  
11 over these two buildings, and practicality is -- or it's  
12 impractical to put them in the existing structure/

13           And so consequently putting them in the basement  
14 is what makes practical sense, economic sense, and that was  
15 before us, I could support that, because I think you really  
16 -- again, in that situation it was an old building, and you  
17 need to upgrade it on and on and on.

18           If the proposal coming before us was a lot  
19 simpler, and you just wanted to put in nine additional units  
20 over the two buildings, and the reason was we want to  
21 provide additional housing, I wonder how the Board would  
22 receive that with the -- again, statutory requirements of

1 the ordinance, and also, the statutory requirements for  
2 providing a hardship.

3 And so, I'm looking at it two different ways. I  
4 could very easily approve the six units to get you where you  
5 need to be with the Access Board, so that you don't have to  
6 incur some financial hardship in converting the existing  
7 building.

8 It's those other nine units that I get hung up  
9 with that is I think a plus to you guys. I think that it  
10 helps fuel some of the renovations and what have you, which  
11 obviously is an investment back to you.

12 But I also think that the city needs to benefit  
13 from those additional nine units in some other way than just  
14 -- again, I think it's tokenism, I'm just saying we'll  
15 provide one. Let's give them something -- let's give them  
16 one in each building. I think it can be a little bit more  
17 to the city and maybe a little bit less from you guys.

18 So I'm not prepared to vote to grant you the  
19 relief on the specific proposal in front of us.

20 CONSTANTINE ALEXANDER: I might -- this is the  
21 Chair -- I might add on to what Brendan has said, and I  
22 concur with his views. I'm very troubled by the relief

1 being sought -- more so from a legal point of view, as to  
2 whether you meet the requirements for a variance, as  
3 required by law.

4 But I do have a problem. And Brendan has a  
5 problem. And as you well know, two problems are enough to  
6 deny relief, because you have to get four folks to get the  
7 variance you're seeking.

8 So where are we? We can go to a vote, but if we  
9 do go to a vote, and the vote -- you don't get the relief  
10 you're seeking, you can't come back before us for two years,  
11 except with a completely -- not completely, but a  
12 substantially different project than you're proposing  
13 tonight.

14 And we have to go through a procedure where we  
15 have to agree that substantially different -- those are not  
16 the exact words, I'm paraphrasing -- and the Planning Board  
17 has to agree and then when that is done, we'd then vote on  
18 your new proposal.

19 NICK ZOZULA: Understood. I mean, Mr. Chair, this  
20 is the Attorney Again.

21 CONSTANTINE ALEXANDER: Yes.

22 NICK ZOZULA: You know, I mean, to Mr. Sullivan's

1 point, you know, I think what he is proposing is a  
2 completely different project than what we're proposing now.  
3 He's not wrong in that we're asking to build the units in  
4 the other building that are not necessary in order to allay  
5 some of the costs of making all these changes to make the  
6 other building accessible.

7           You know, we have not looked at doing a six-unit  
8 project only. I don't know if Noam and his team are willing  
9 to or able to make that decision tonight without looking at  
10 it in more detail, and, you know, I will just state that I  
11 understand your concerns, we made our best argument as we  
12 could.

13           And, you know, at the end of the day, what we  
14 think we're doing is still bringing a benefit to the city  
15 and we point back to the Planning Board as agreeing with us.

16           But I don't think anything that I'm going to say  
17 is going to convince you otherwise based on the project in  
18 front of you right now. So yeah, I don't know if there's  
19 any -- besides, you know, providing some changes on the  
20 spot, which I don't know if we're able to do, you know,  
21 we're not --

22           CONSTANTINE ALEXANDER: But I don't think we need

1 to do that -- just continue -- what we do is continue the  
2 case again. And you can -- you know, with the benefit of  
3 time, you can reflect on what you've heard and come up with  
4 a variation of what you're proposing tonight.

5 NICK ZOZULA: Okay. I mean, I would prefer that  
6 over denial, of course. [Laughter] But, you know, when we  
7 can look at that harder and we've -- again, we've heard even  
8 more specific feedback on what would be a supportable  
9 project from -- you know, at least Mr. Sullivan, so, you  
10 know, we can certainly look at that.

11 And again, you know, unless we can make that  
12 decision here, which I don't know if we're able to even do,  
13 you know, I don't think we can answer any of those questions  
14 -- you know, at this point in time.

15 So I mean, unless Noam, you have something that  
16 you wanted to say, we would just ask for a continuance.

17 NOAM KLEINMAN: Yeah. The only thing I can say is  
18 that it would change the economics significantly when that  
19 would -- for one, the six -- the minimum six units would not  
20 give us an opportunity to do any inclusionary units.

21 So, you know, it's not like we can do six units  
22 and accessible, and also, make them -- two of them

1 inclusionary. So we're losing some of that.

2 I mean, the additional units are there to fund the  
3 accessibility and the significant changes, not just to the  
4 units but to the infrastructure and surrounding of the  
5 building, in order to allow us to do accessible. So you  
6 need to have a new entrance, a secondary entrance, et  
7 cetera, et cetera. It's --

8 And so, the other units were financing it. I  
9 can't speak as to if we will be able to make a six-unit  
10 accessible, and I can't speak to if the city, what is the  
11 interest of the city in terms of adding housing, adding  
12 accessible units, adding inclusionary units?

13 The only thing I would say is if we come back, I  
14 don't even know if we would come back with the six units,  
15 because I don't know if we can make it work. It would be a  
16 bigger -- probably financially better to go back to the  
17 Accessibility Board and say we're back in Ground Zero and  
18 find some other solution through them, maybe a variance on  
19 their end.

20 And we end up with a number of units in the  
21 building, but have not been upgraded in over 80 years, and,  
22 you know, then some of the units that we would have there



1 would be in -- you know, obviously functional, safe,  
2 condition, but definitely not what I would imagine would be  
3 something that we or the city would want to have.

4           CONSTANTINE ALEXANDER: All right. If I may,  
5 you're approaching this entirely from a financial point of  
6 view. And you have your numbers that you want to get, how  
7 much money you want to make on the retro units, and we're  
8 saying -- I guess some of us are saying -- that you've got  
9 to have to go back and maybe take a haircut (sic) on what  
10 you want to get after this is all over, if you want to make  
11 the changes.

12           We're concerned -- at least Brendan and I -- that  
13 there's not enough -- the city is not getting as much  
14 benefit as it should get from what is being proposed.  
15 You're also -- you're going to -- you're going to upgrade  
16 the property, but you also got to put some money in your  
17 pocket, as well from the financing of this whole thing. And  
18 this is something we want -- we're saying maybe you should  
19 share with the city, to some extent.

20           That's the very simplest, simple and simplistic  
21 way I can describe it. But it's your call. You can go  
22 ahead with the vote tonight, or an up or down, or you can

1 continue and cut back, by the way, if we continue, and make  
2 the same -- the case for the same relief you're seeking  
3 tonight, but on a different basis.

4           You've heard a lot over two sessions Board  
5 members' views on this. Maybe you want to reflect on that  
6 and then decide what you want to do. And if you don't do  
7 that tonight -- you know what you've got to do -- you're not  
8 going to get the relief you're seeking.

9           BRENDAN SULLIVAN: Yeah, this is Brendan Sullivan.  
10 I think I would endorse what the Chair just said, and I  
11 think it's going to require a roundtable discussion on your  
12 part to -- what you can do and what you're willing to do,  
13 and what you're not willing to do, and then come back to us  
14 with basically another bottom line.

15           I would propose that we delay this for -- you  
16 know, maybe no more than a month. I think your discussions  
17 are going to take just a few days. But anyhow, that would  
18 be my suggestion.

19           CONSTANTINE ALEXANDER: Well, I would -- yeah, we  
20 would get to -- if we are going to continue -- if we think  
21 we want to continue, you got to tell us how much time you  
22 think you need, and then by law we have to have the same

1 five members who were on the call tonight, and were on the  
2 call several months ago be available for that time.

3 So starting with you, if you -- if we are going to  
4 continue the case, if you want to request the continuance,  
5 what date do you want to continue it to?

6 NOAM KLEINMAN: So I think we need to discuss it,  
7 because this will require a reworking of the architectural  
8 plan, and it's not something that can be done overnight.

9 CONSTANTINE ALEXANDER: It's your call. Just, you  
10 know, you have -- you got to tell us how much time you think  
11 you need to deliver a response to the points that have been  
12 raised tonight. Two weeks? Three months? Whatever. And  
13 then we'll -- step 2 will be does that work for the five  
14 members on the Board tonight?

15 So how much time do you think you need?

16 NOAM KLEINMAN: I don't know. Really -- Rich --

17 NICK ZOZULA: Yeah, Rich, how long do you think, a  
18 couple months?

19 RICHARD RANKIN: Well, it's difficult to say. If  
20 we're looking at six units in 16-18, you know, I think  
21 putting units together is going to take some time and some  
22 planning, and we've got to figure out what makes sense. We

1 have two new entrances, which, you know, to try to spread  
2 that cost over six units is -- you know, it's a challenge at  
3 some level.

4 I would say, you know, if we did a two-month, we  
5 could figure that out. I think a month is going to not be  
6 doable. If we took a two-month --

7 CONSTANTINE ALEXANDER: You decide, and then we'll  
8 --

9 NICK ZOZULA: Yeah, let's --

10 CONSTANTINE ALEXANDER: We'll [work with] that  
11 date.

12 NICK ZOZULA: -- do two months.

13 CONSTANTINE ALEXANDER: Two months?

14 NOAM KLEINMAN: No, let's do three months, because  
15 it's too months for Rich to design, and then we have to  
16 figure out the economics.

17 CONSTANTINE ALEXANDER: I think it would be  
18 advisable to be very conservative. And I think three months  
19 -- my sense -- would be better than two months, and  
20 certainly better than one months.

21 So three months from now --

22 NOAM KLEINMAN: Three months.

1           CONSTANTINE ALEXANDER:  -- roughly is -- I'm  
2  sorry?

3           NOAM KLEINMAN:  Three months, please?

4           CONSTANTINE ALEXANDER:  Three months.  Okay,  
5  Sisia?  We've got to look in our calendar.  One second.

6           SISIA DAGLIAN:  Well, that would -- the second  
7  meeting in April is April 22.  There's an April 8,22 and  
8  then May 13.

9           CONSTANTINE ALEXANDER:  April 22?  Roughly -- it's  
10 obviously three months' from now?

11          SISIA DAGLIAN:  Yeah.

12          CONSTANTINE ALEXANDER:  Does April 27 -- let me  
13 ask other members of the Board -- is everybody available?  
14 Brendan?  April 22?

15          BRENDAN SULLIVAN:  Yes.  Brendan Sullivan yes.

16          CONSTANTINE ALEXANDER:  Yes.  Jim?

17          JIM MONTEVERDE:  Jim Monteverde, yes.

18          CONSTANTINE ALEXANDER:  Andrea?

19          ANDREA HICKEY:  Yes, I'm available.

20          CONSTANTINE ALEXANDER:  Janet?  I'm sorry, Janet  
21 is off.  Laura, I apologize.  Laura?

22          SISIA DAGLIAN:  No, it's Janet.

1           ANDREA HICKEY: No, it is Janet.

2           JIM MONTEVERDE: No, it's Janet.

3           BRENDAN SULLIVAN: Janet is on this.

4           JIM MONTEVERDE: Janet.

5           CONSTANTINE ALEXANDER: All right.

6           JIM MONTEVERDE: She's muted.

7           ANDREA HICKEY: I don't even see her.

8           SISIA DAGLIAN: She's on.

9           JIM MONTEVERDE: No, she's there. I see her.

10 Janet, you just have to unmute yourself.

11           JANET GREEN: Hi, sorry.

12           JIM MONTEVERDE: There you go.

13           CONSTANTINE ALEXANDER: Okay. And the Chair is  
14 available as well. So, we have to go through the procedures  
15 for continued -- continuing this case. April 22 work for  
16 you folks?

17           NICK ZOZULA: Yes, sir.

18           CONSTANTINE ALEXANDER: Okay.

19           NOAM KLEINMAN: Yes. Thank you.

20           JANET GREEN: April what? 20 what?

21           ANDREA HICKEY: Twenty-second.

22           CONSTANTINE ALEXANDER: Twenty-second.

1 JIM MONTEVERDE: Twenty-second.

2 CONSTANTINE ALEXANDER: 22.

3 JANET GREEN: That would be on -- okay, yeah. I'm  
4 available.

5 CONSTANTINE ALEXANDER: Okay. The Chair moves  
6 that we continue this case until 7:00 p.m. on April 22,  
7 subject to the following conditions:

8 The first has already been satisfied, and that is  
9 a waiver of time for decision. And you did that in  
10 connection with the -- tonight's case.

11 The second is that you will need a new posting  
12 sign with the new date and the new time both, and it has to  
13 be maintained for the 14 days required by our ordinance.

14 And lastly, to the extent that you're going to  
15 commit, present modified plans, financial information,  
16 modifications to your application, those changes must be in  
17 our files no later than -- DPW files -- no later than 5:00  
18 p.m. on the Monday before April 22. Those are the three  
19 conditions. Brendan?

20 BRENDAN SULLIVAN: Yes, on the motion to -- yes,  
21 to continue.

22 CONSTANTINE ALEXANDER: Jim?

1 JIM MONTEVERDE: Jim Monteverde, yes to continue.

2 CONSTANTINE ALEXANDER: Okay. Andrea?

3 ANDREA HICKEY: Yes, in favor of continuance.

4 CONSTANTINE ALEXANDER: Janet.

5 JANET GREEN: Yes, in favor of continuance.

6 CONSTANTINE ALEXANDER: Okay. And the Chair is in  
7 favor as well.

8 [All vote YES]

9 So the case is now continued until April 22.

10 Thank you.

11 NOAM KLEINMAN: Thank you all for your time.

12 We'll see you in a few months. We'll take a look.

13 COLLECTIVE: Thank you.

14 NOAM KLEINMAN: We'll be back in a few months.

15 We'll take a look at your comments. Thank you everybody.

16 We do appreciate it.

17 ANDREA HICKEY: Do we have to also address the  
18 next case at this time, the special permit?

19 CONSTANTINE ALEXANDER: We're going to continue  
20 the whole case. I'd rather --

21 ANDREA HICKEY: They're separate case numbers, so  
22 I think we have to do it separately.



1 ALISON HAMMER: Aren't they?

2 CONSTANTINE ALEXANDER: No. The special -- we  
3 have -- each property is a separate case number. Within  
4 that case number, each time they're seeking two forms of  
5 relief.

6 ANDREA HICKEY: Okay.

7 CONSTANTINE ALEXANDER: The variance and a special  
8 permit.

9 ANDREA HICKEY: Right. So we don't also have to  
10 continue the special permit case specifically?

11 CONSTANTINE ALEXANDER: No, no, you just continue  
12 the case itself.

13 ANDREA HICKEY: Understood. Thank you.

14 CONSTANTINE ALEXANDER: I think we're done on this  
15 case. Thank you. Good luck.

16 COLLECTIVE: Thank you.

17 CONSTANTINE ALEXANDER: Thank you, again.

18 All right. We have one more case on our agenda.  
19 And who's sitting on this one, Sisia? Is it still Janet?

20 SISIA DAGLIAN: Yeah. She said she'd sit on it,  
21 because --

22 BRENDAN SULLIVAN: This is a case not heard.

1           CONSTANTINE ALEXANDER: Yeah, it's a case not  
2 heard, I know.

3           SISIA DAGLIAN: Yeah.

4           CONSTANTINE ALEXANDER: I just want to see whether  
5 --

6           ANDREA HICKEY: Hi, this is Andrea. I am not on  
7 this case, I believe.

8           BRENDAN SULLIVAN: It's a case not heard.

9           CONSTANTINE ALEXANDER: Case not heard, Andrea.

10          ANDREA HICKEY: Right, right. But I did let Maria  
11 know I wasn't available for the last case.

12          SISIA DAGLIAN: Okay. So Laura's here, and Janet  
13 is here.

14          LAURA WERNICK: Yeah. And I'm sitting in for her.

15          SISIA DAGLIAN: Yeah. Okay.

16          ANDREA HICKEY: Great. Thank you. Goodnight,  
17 everyone.

18          JIM MONTEVERDE: Goodnight.

19          COLLECTIVE: Good neighbor, Andrea. Thank you,  
20 Andrea.

21          ANDREA HICKEY: Thank you.

22                 [Andrea Hickey leaves.]



# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

*Replacement panel*

BZA

## POSTING NOTICE – PICK UP SHEET

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

Name: BRIDGET HEARN Date: 4/8/21  
(Print)

Address: 17-19 Forest St.

Case No. BZA-017248-2020

Hearing Date: 4/22/21

Thank you,  
Bza Members

## Pacheco, Maria

---

**From:** Maureen Albano <maureenalbano@verizon.net>  
**Sent:** Monday, April 19, 2021 9:16 AM  
**To:** Daglian, Sisia; Ratay, Olivia; Pacheco, Maria  
**Subject:** BZA-017247-2020  
**Attachments:** Neighborhood Letter.pdf

Dear Zoning Board Members,

A small group of us neighbors circulated the attached letter in our neighborhood to raise awareness and gain support to oppose the petitions BZA-017247-2020 and BZA=017248-2020.

Thank you.

Maureen Albano  
125c Oxford Street Cambridge, MA 02140



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## Pacheco, Maria

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**From:** Maureen Albano <maureenalbano@verizon.net>  
**Sent:** Wednesday, April 21, 2021 9:27 AM  
**To:** Pacheco, Maria  
**Cc:** maureenalbano@verizon.net  
**Subject:** Neighborhood Letter

March 20, 2021

Hello Neighbor,

A group of us have been following the proposed construction work to 16-18 & 17-19 Forest Street apartment buildings, requiring Cambridge Zoning Board approval. We are opposed to it moving forward. Hope the information below will encourage you to join us in this opposition to further construction (heavy excavation) by Akelius LLC (see below for more information on this company). Some ways you might join in opposition:

- write a letter of concern to Maria Pacheco at [mpacheco@cambridgema.gov](mailto:mpacheco@cambridgema.gov) at the Zoning Board,
- add your name to an existing letter to the Zoning Board in opposition (included for your review),
- attend the next Zoning Board meeting April 22 (to voice your concerns),
- contact Maureen ([maureenalbano@verizon.net](mailto:maureenalbano@verizon.net)), Neal ([nklein@lesley.edu](mailto:nklein@lesley.edu)), or Jan ([wall.jan9@gmail.com](mailto:wall.jan9@gmail.com)).

Our opposition is to the proposed heavy multi-year excavation, slab work to both buildings. What does this work entail?

- Removal of current basement floors.
- Lowering the basement floor of both buildings (50% of the block).
- Much bigger problem than just lowering the basement floor, entire buildings would need to be supported by piles prior to excavation.

What this proposed slab, excavation, construction work may mean to our neighborhood?

- Continued long-term construction noise/stress level for neighborhood (may make remote working or other home-based activities near impossible)
- Possible damage to nearby buildings (our homes) particularly our foundations. Who would be responsible?
- Continued and long-term high traffic of construction vehicles.
- Akelius has petitioned for a special permit to reduce parking which would further the parking congestion.
- Akelius has not addressed how the additional trash removal (with potential for increases in rat population to the neighborhood) will be addressed. This has already surfaced secondary to the work they have been doing.
- **Our neighborhood cannot withstand this proposed additional excavation and construction!**

Zoning meetings this far (Case # BZA-017247-2020):

- March 26, 2020 – original meeting was cancelled because of the quarantine and continued to July.
- July 9, 2020 – was continued so Akelius could add affordable units and address concerns of (1) all handicapped apartments in the basement and (2) single occupancies only.
- January 28, 2021 – discussed above, and also Zoning Board wanted to know why it would be a hardship (except maybe financial) to Akelius if this work was not done. Akelius has to prove this hardship. Again continued.
- April 22, 2021 at 7:00 is the next hearing. To join go to: [https://cambridgema.zoom.us/webinar/register/WN\\_zm1ysGjbTiGhvj4Aja1bRw](https://cambridgema.zoom.us/webinar/register/WN_zm1ysGjbTiGhvj4Aja1bRw) or join by phone +1 929 436 2866 or +1 301 715 8592 – Webinar ID 980 8328 7208  
(Full transcripts of above available from Zoning Board or Jan at [wall.jan9@gmail.com](mailto:wall.jan9@gmail.com))

Background information:

- Akelius LLC, an international real estate developer based out of Sweden, took ownership of the buildings approximately four years. They have been renovating the existing 123 units, which has involved complete demolition down to the studs. This has already created distress to the daily lives for neighbors.
- Works with BlueGround: <https://www.theblueground.com/> which books short and long-term furnished rentals.

- (from <https://www.akelius-properties.us/aboutakelius.aspx>)
  - *Akelius buys, upgrades and manages residential properties. The company owns 50 000 apartments in Sweden, Germany, France, Canada, England and the United States. Akelius focuses on residential properties in attractive cities with strong growth and potential of upgrading. 80 per cent of the apartments are located in metropolitans as Berlin, London, Paris, Stockholm and New York. Akelius is the largest listed real estate company in Sweden. The property holdings amount to SEK 63 billion. Akelius Foundation owns 90 per cent of Akelius Residential Property AB. The purpose is charity. Akelius is the world's largest donor to SOS Children Villages. The remaining 10 per cent of the shares are owned by Roger Akelius through a company and 15 000 preference shareholders.*



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April 19, 2021

Dear Zoning Board Members,

I am writing to oppose zoning petition BZA-017247-2020, with strong objection to the proposal to lower the basement slabs in 16-18 and 17-19 Forest Street apartment buildings. Living next door at 21 Forest Street, I am concerned about damage to the house that has been my home for the last ten years, as well as the significant disruptions that will accompany more construction.

Those of us in the immediate neighborhood have endured the noise and severely limited parking caused by the constant presence of construction vehicles and dumpsters that has accompanied the four years of renovations that Akelius has already done. As neighbors, we've endured this long enough, and encourage the City to oppose zoning petition BZA-017247-2020, and if further construction is deemed absolutely necessary, that a new plan is created that is far less disruptive and damaging to our homes and lives.

Thank you for your consideration.

Respectfully submitted,

Lauren Bimmler, 21 Forest Street, Apartment 9

**Pacheco, Maria**

---

**From:** oreo123 <oreo123@comcast.net>  
**Sent:** Sunday, April 18, 2021 5:32 PM  
**To:** Pacheco, Maria  
**Subject:** Forest St

Hi,

I am opposed to additional units being added at the two large buildings on Forest St.

I read some of the testimony from former hearings.

22 parking spots for 126 units and now the developer is asking to add another 16 residential units. It's already quite dense on Forest St. What percentage of the building is occupied today? Using that ratio – how would it work out with full occupancy?

Zoning was obviously approved for that building 100 years ago. What precedence does that set to add more units with current FAR (floor to area ratio)? What is grandfathered from 100 years ago is one thing, but this is 2021. One hundred years ago there were very few cars as it was a luxury item so parking was not an issue.

- - - - -

I am not sure who dropped the ball on accessible apartments. I feel that adding more units in a tightly packed residential neighborhood will have an impact on limited on street parking spaces.

As it is their ~ 126 apartments do not have enough off street parking spots in their lot. This results in cars from those buildings parking on other streets. As it is today with limited parking, cars are driving around the blocks looking for parking spaces and that is more fossil fuel in the neighborhood. And more gridlock on Mass Ave. and Oxford St. and Forest St. and Prentiss St. and Frost St. Winter snow emergencies mean parking on one side of the street only – where are additional vehicles supposed



to park? If emergency vehicles are hampered by gridlock this could be harmful to the people in distress.

The idea to dig down a level – will there be water? As footings are dug down if this results in cracks in upper floors or leaks will this make the project drag out longer? If its too moist there could be dampness or mold issues which is not healthy. There is little basement housing in the neighborhood – has anyone checked for radon gas? Can the residential units obtain the necessary natural light for the city or state building code? Will this require sewage ejection pumps and what will happen if the neighborhood power goes off? The additional proposed units – would this require a new service change? I think that the proposed basement construction is a poor idea at this point in time.

If you have been at the intersection of Oxford and Beacon during rush hour its obvious that there is too much traffic as it is. In the past decade parking spaces have been reduced on Beacon, Oxford, Prentiss Sts.

Schools are opening up which will result in more cars looking for parking spaces. Many residents have cars and require parking.

I remember in the 1960's and 1970's how a combined neighborhood effort stopped the Inner belt from cutting through the residential neighborhoods in the city. Had that happened it would have been a 6 or 8 lane highway in northern Agassiz. Has the entire surrounding neighborhood been notified of this new proposed construction? Mass Ave is commercially zoned for larger occupancies. The side streets are residentially zoned.

I see two solutions:

1. I suggest that instead of doing all of the construction in the basements that a check be cut for the affordable / accessible housing in the city – which equals what the developer would pay for the massive

amount of proposed basement work. The city could then use the funds for accessible or affordable housing. This would end the neighborhood work after 4 years long years.

2. Another suggestion is that the developer contact the architects and figure out how to modify the existing first floor units to be accessible units as they become vacant. As units above the first floor become vacant there are the affordable housing units already constructed. This is far less construction work than renovating entire basements.

The neighborhood is not down on affordable housing and has approved the CPA. The city is one of 9 percent of the 351 communities statewide that have met the 40B zoning law passed over 30 years ago. Creation of units in larger buildings going up on Mass Ave which is zoned commercially will impact a major street, not a smaller one lane, one direction side street.

Thank You for allowing my input,

I am Allen Hebert from the corner of Prentiss and Frost St.

April 19, 2021

Dear Zoning Board Members,

I am writing to oppose zoning petition BZA-017247-2020, with strong objection to the proposal to lower the basement slabs in 16-18 and 17-19 Forest Street apartment buildings. Living next door at 21 Forest Street, I am concerned about damage to the house that has been my home for the last ten years, as well as the significant disruptions that will accompany more construction.

Those of us in the immediate neighborhood have endured the noise and severely limited parking caused by the constant presence of construction vehicles and dumpsters that has accompanied the four years of renovations that Akelius has already done. As neighbors, we've endured this long enough, and encourage the City to oppose zoning petition BZA-017247-2020, and if further construction is deemed absolutely necessary, that a new plan is created that is far less disruptive and damaging to our homes and lives.

Thank you for your consideration.

Respectfully submitted,

Lauren Bimmler, 21 Forest Street, Apartment 9

April 18, 2021

Dear Zoning Board Members,

It has come to my attention that Akelius LLC is petitioning the Cambridge BZA to build 8 accessible units in the basement of the 16 - 18 Forest Street apartments. I oppose Case Number BZA-017247-2020. In my opinion, accessible units ought to be above ground, mixed with the other existing units. This would require ramps and elevators. In this petition, it appears that disabled people are treated as an afterthought. I can assure you that we are productive citizens.

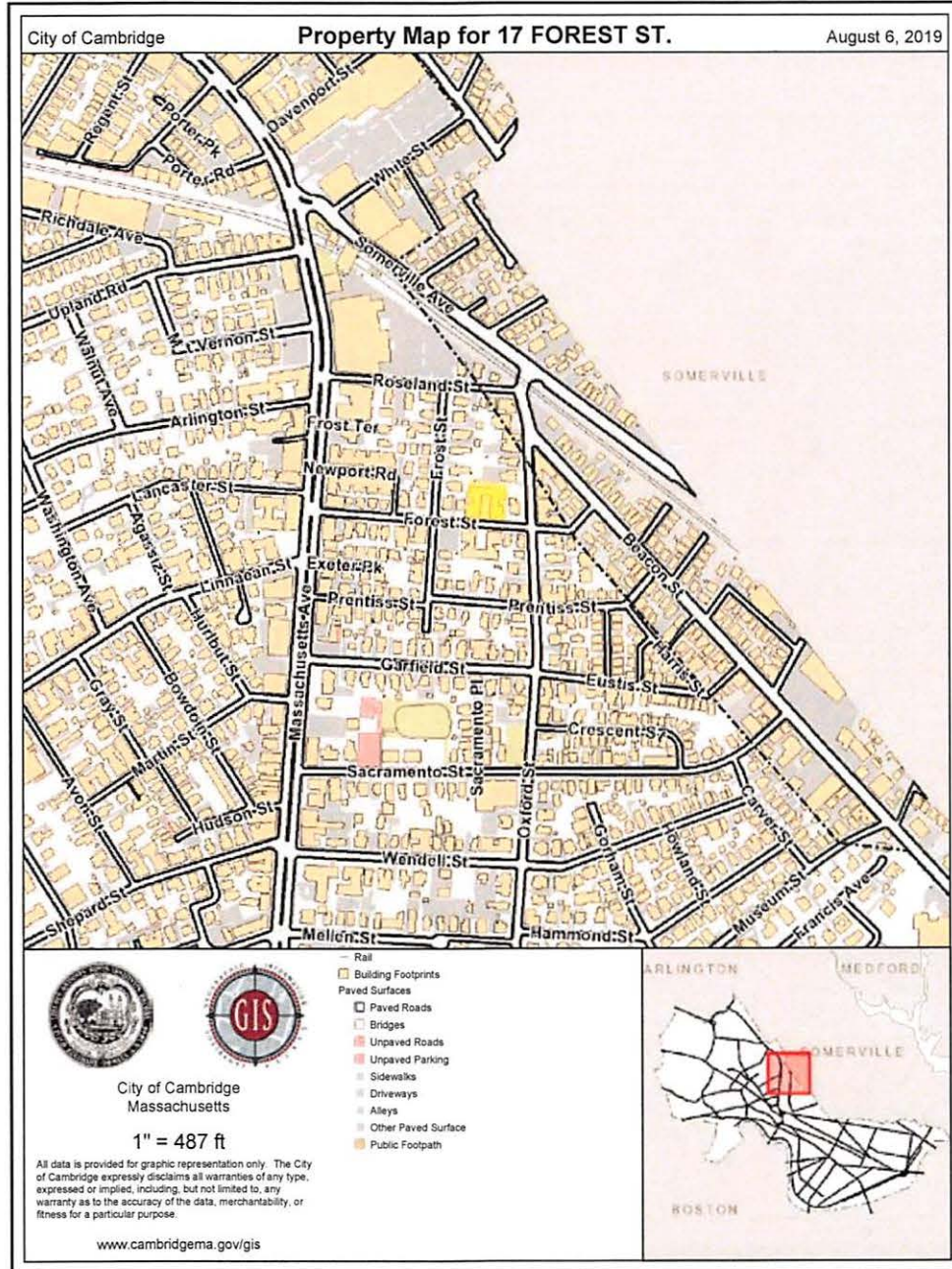
I am also aware that Akelius petitioned the Cambridge BZA for a Special Permit to reduce parking. In the last hearing, Noam Kleinman stated he would re-stripe the parking lot, allotting only 2 parking spaces for the accessible units. I can assure you: there are many disabled citizens who require vehicles to lead productive lives.

To give you a little background, I am a veteran with a double-amputation above the knee. I walk and run on prosthetics. My injury occurred in 2009 while, as platoon commander, I led a platoon of special operations US Navy SEALs. We were on a dangerous night mission in Afghanistan. I spent the next years in recovery and rehabilitation. I re-entered civilian life as an athlete and student. I competed in the 2014 Sochi winter games as a Paralympian in biathlon—sit-skiing and shooting. I lived in Cambridge 2015 - 2018 so I could be a student at Harvard University. My housing requirements included an elevator and a parking space. Using my GI Bill I earned two master's degrees - one from the Kennedy School, the other from the Divinity School. In the spring of 2018, I competed in the Paralympic winter games in PyeongChang, South Korea. I participated in six races and came home with six medals, including a gold medal in biathlon. Afterwards, I was honored with other New England members of Team USA to throw the first pitch for the Red Sox opening season. When I stepped out from behind the huge USA flag, onto the ball field, I was greeted by 10,000 fans standing up and cheering!! I will never forget that moment. Thank you, Boston; go Red Sox!!

Thank you for the opportunity to comment on this petition and special permit.

Respectfully submitted,

Dan Clossen  
Natick, MA; formerly Cambridge, MA

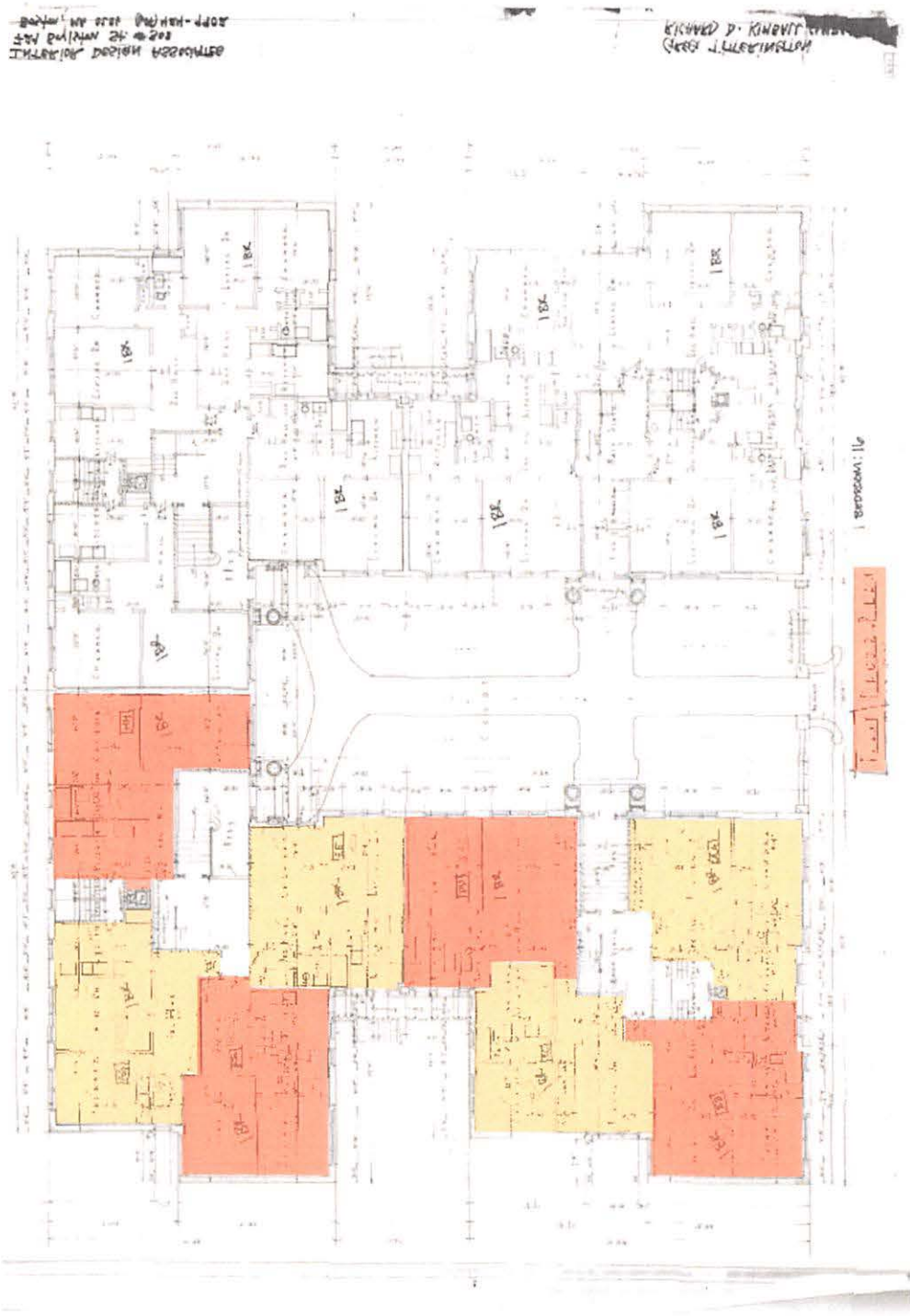


GIS Block Map





Plans

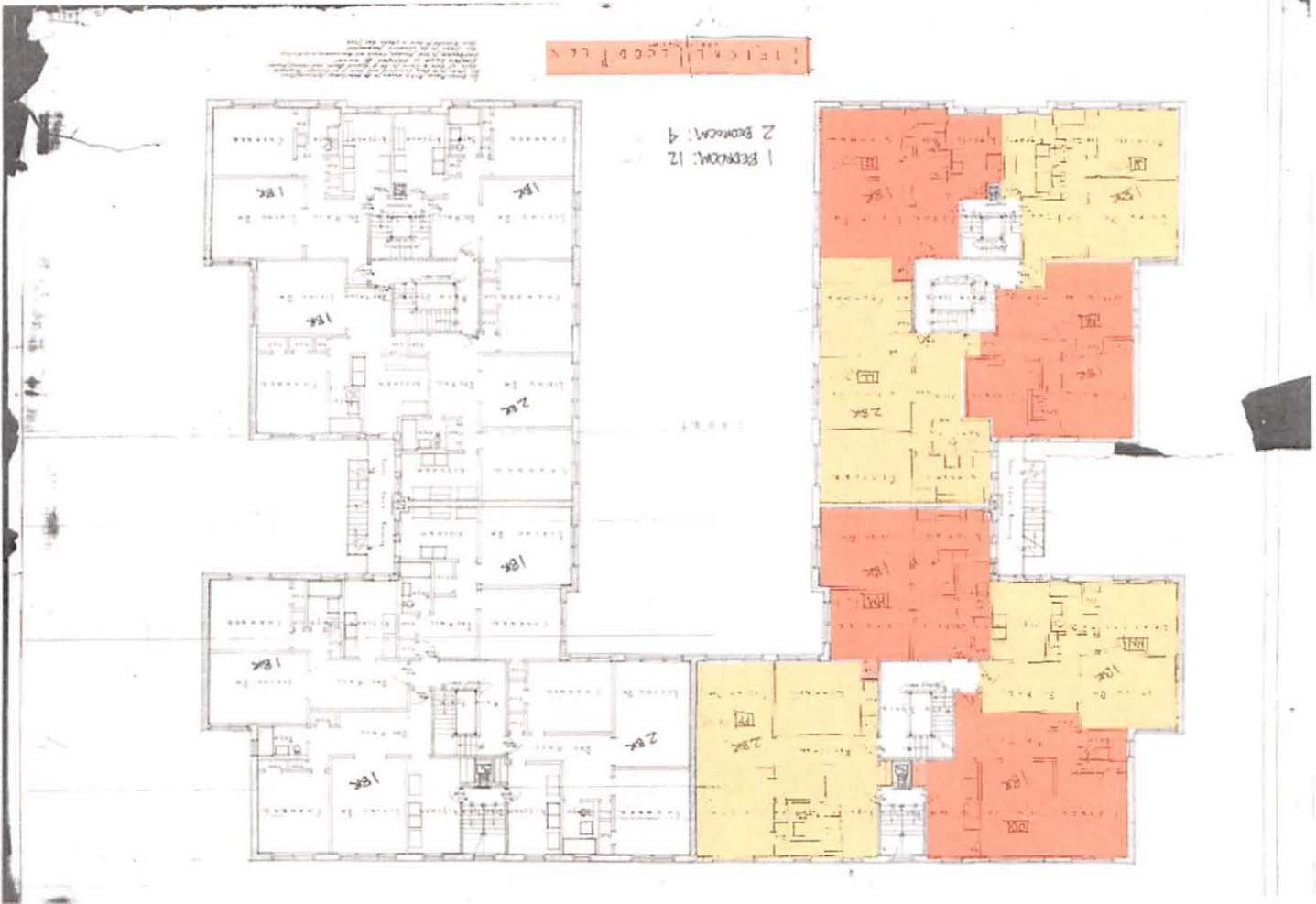


1st Floor Plan





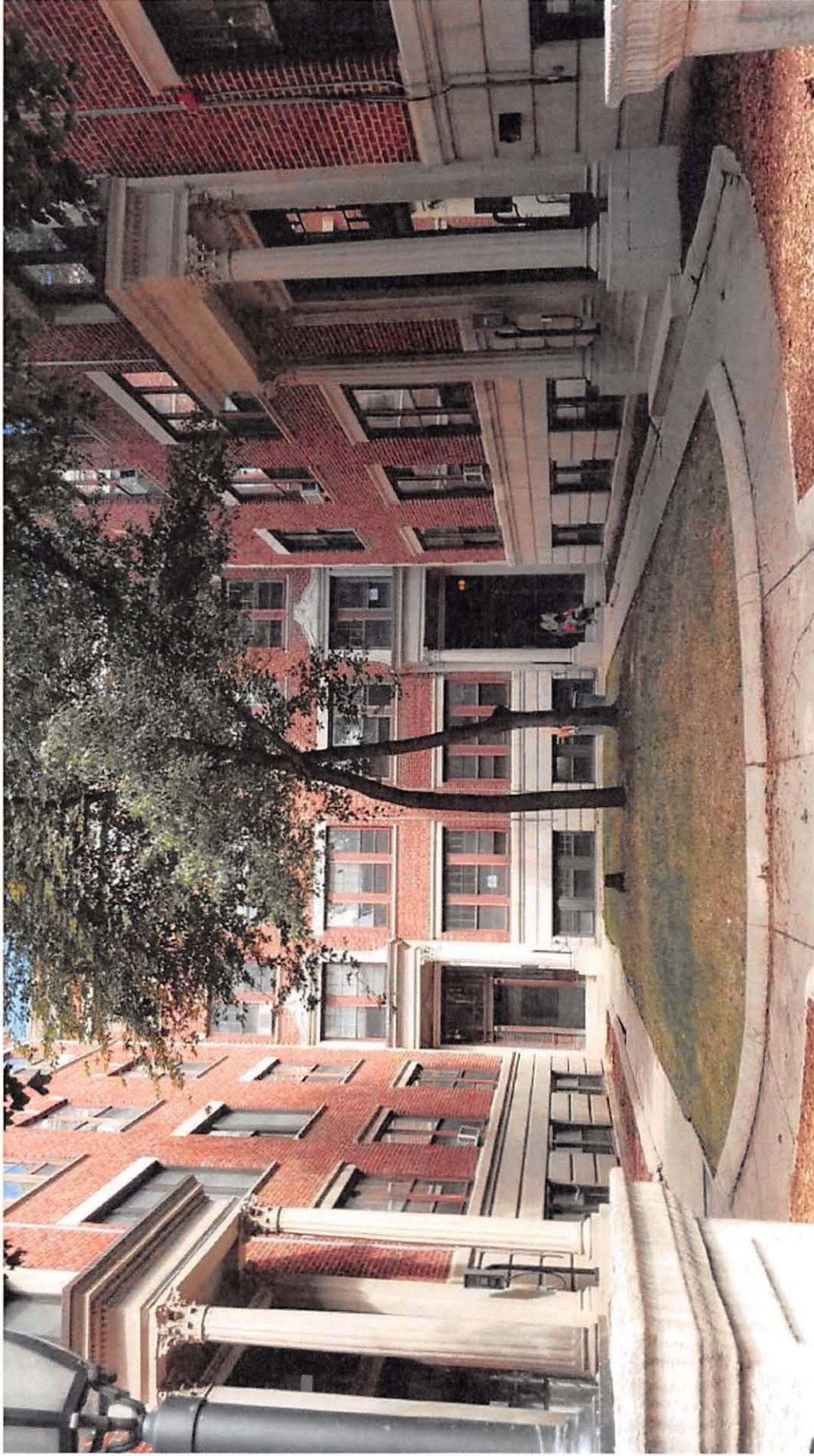
Plans



Typical Upper Level Plan (2-4)



Elevations/ Photographs



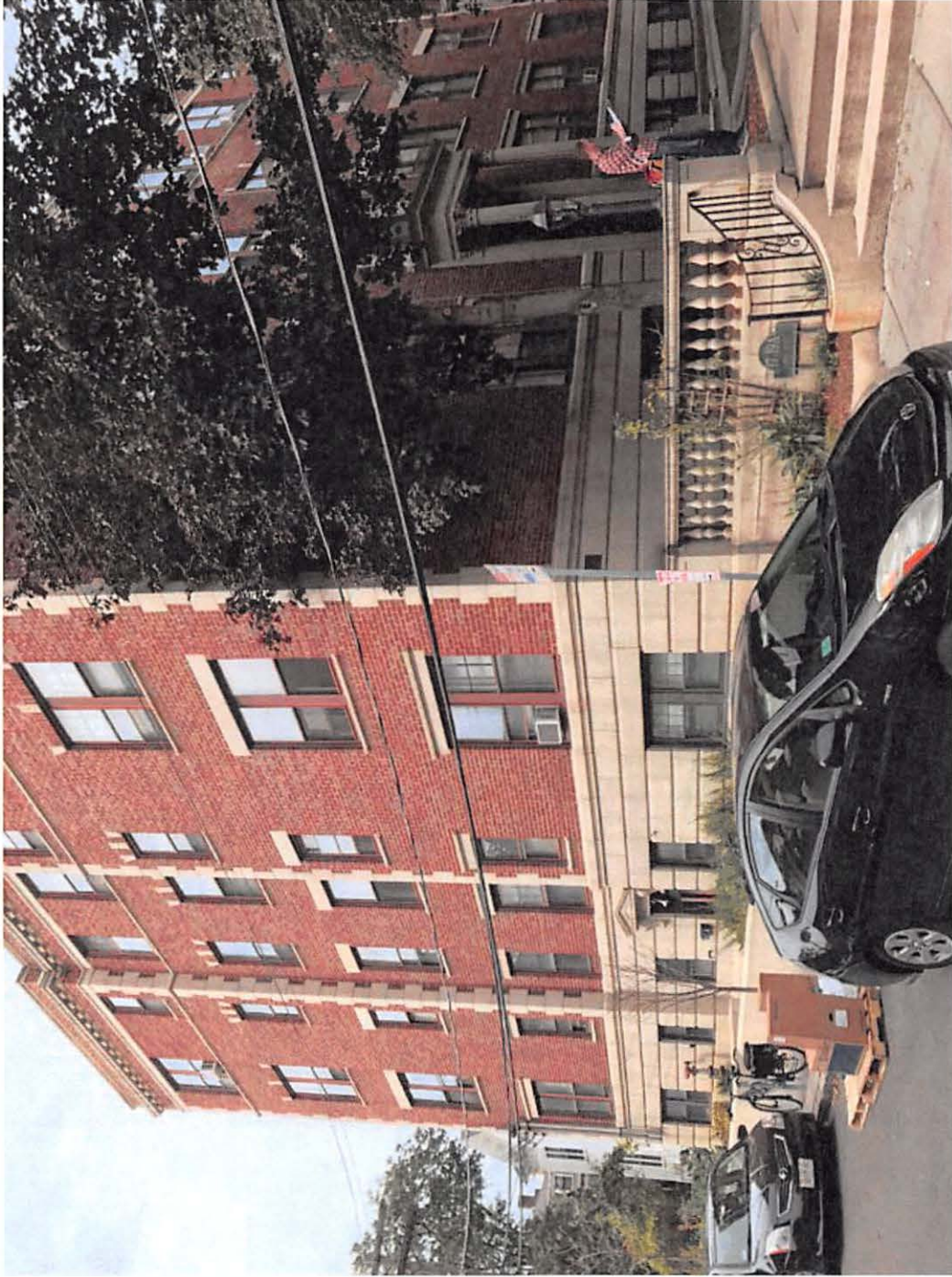
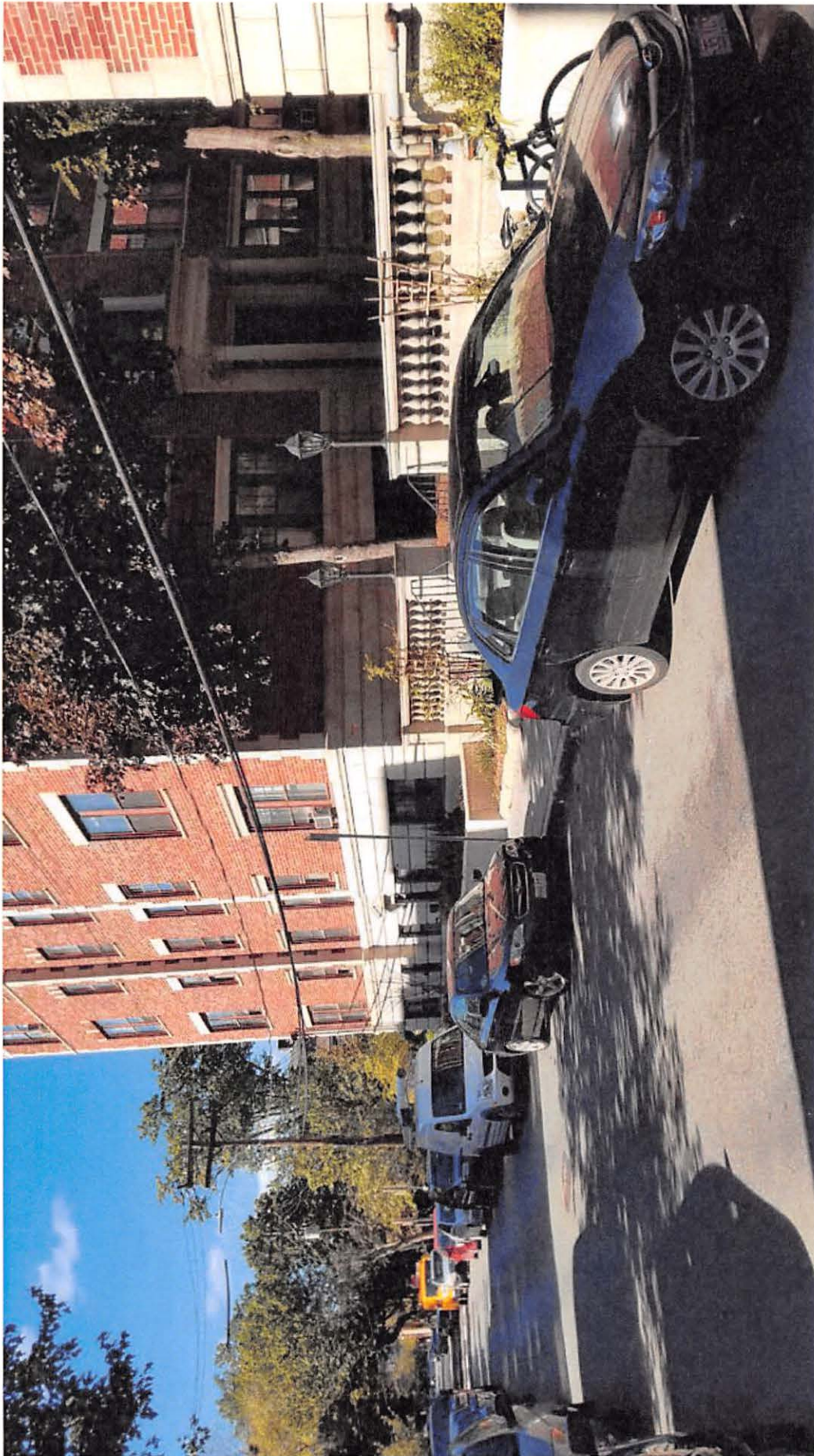


Exhibit E



Ake<sup>e</sup>lius







# 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 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., 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

BZA

## POSTING NOTICE – PICK UP SHEET

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

Name:

Marc Winn

(Print)

Date:

3/9/20

Address:

17-19 Forest St.

Case No.

BZA-017248-2020

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

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-01724K-20 20

Address: 17-19 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: 17-19 Forest Street – BZA-017248-2020

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

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(7:24 p.m.)

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

CONSTANTINE ALEXANDER: The Chair will now call  
Case Number 017248 -- 17-19 Forest Street. Again, same  
story. The petitioner has been advised of the need to  
continue this case.

The petitioner is amenable to that and has signed  
a waiver of time for a decision. The petitioner is also  
aware of the requirements for continued cases with regard to  
the posting of signs, and with regard to the submission of  
new or modified plan specifications and the like.

So on the basis of all this, the Chair moves that  
we continue this case until 8:45 p.m. on April 23. Brendan?

BRENDAN SULLIVAN: Brendan Sullivan, yes.

CONSTANTINE ALEXANDER: Andrea?

ANDREA HICKEY: Andrea Hickey, yes.

CONSTANTINE ALEXANDER: Jim?

JIM MONTEVERDE: Yes.

[All vote YES]

CONSTANTINE ALEXANDER: And the Chair votes yes as

1 well. So this case will be continued until 8:45 p.m. on  
2 April 23.

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**Pacheco, Maria**

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**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