

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139 DEC 18 AH 10: 33

617-349-6100

BZA Application Form

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BZA	Num	ber:	252059

Dec. 14, 2023

Date:

General Information					
The undersigned hereby petitions the Board of Zoning Appeal for the following:					
Special Permit: _	-	Variance: X	Appeal:		
PETITIONER: Jo	hn Harvard LLC C/	O Sarah Like Rha	atigan, Esq., Trilogy Law LLC		
PETITIONER'S A	DDRESS: 12 Mars	hall Street, Bostor	n, MA 02108		
LOCATION OF P	ROPERTY: 1 Lang	don St , Cambrid	dge, MA		
TYPE OF OCCUPANCY: Multifamily Dwelling, Office ZONING DISTRICT: Residence C-2 and Residence B					
REASON FOR PE	ETITION:				
/Conversion to Ad	lditional Dwelling U	Jnits/			
DESCRIPTION	OF PETITIONER	'S PROPOSAL:			
Conversion of baseme	ent office space to two r	esidential apartments			
SECTIONS OF ZONING ORDINANCE CITED:					
Article: 5.000 Article: 8.000 Article: 10.000 Article: 5.000	e: 8.000 Section: 8.22.3 (Alteration to Non-conforming structure). e: 10.000 Section: 10.30 (Variance).				
		Original Signature(s):	(Petitioner (s) / Owner)) Sarah Like Rhatigan, ESq., on behalf of Petitioner		
			(Print Name)		
		Address:	Trilogy Law LLC, 12 Marshall St., Boston, MA 02108		
		Tel. No. E-Mail Address:	617-543-7009 sarah@trilogylaw.com		

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 John Harvard LLC			
(OWNER)			
Address: 30 Independence Drive, Chestnut Hill, MA 02467			
State that I/We own the property located at 1-3 Langdon Street, Cambridge,			
$\underline{\mathtt{MA}}$, which is the subject of this zoning application.			
The record title of this property is in the name of			
*Pursuant to a deed of duly recorded in the date <u>June 3, 2002</u> , Middlesex			
South County Registry of Deeds at Book 35598, Page 481.			
•			
JOHN HARVARD LLC			
BY: CM-BC Corp. Its Manager			
BY: Peter F. Poras, President and Treasurer			
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT*			
*Written evidence of Agent's standing to represent petitioner may be requested.			
Commonwealth of Massachusetts, County of			
The above-named Peter F. Poras, President and Treasurer, of CM-BC Corp., Manager of John Harvard LLC personally appeared before me, this 5 day of December, 2023, and made oath that the above statement is true.			
VICTORIA E. COGAN NOTARY PUBLIC Commonwealth of Massachusetts My Commission Expires on (Notary My commission expires: (Notary My commission expires: (Notary (Notary)			

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

June 1, 2029

(Notary Seal)

3434 A

VICTORIA E. COGAN
NOTARY PUBLIC
Commonwealth of Messachusers
WY Commission Expires on
June 1, 2020

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:

BACKGROUND AND INTRODUCTION:

This project entails the conversion of accessory office space (located in the basement of a four-story brick apartment building) into two (2) residential apartments. The building, constructed in 1924, is pre-existing non-conforming with respect to its Gross Floor Area/Floor Area Ratio, setbacks, height, open space and unit count.

The building currently contains a total of 37 apartments. The basement (garden-level) of the building contains five (5) one-bed and studio apartments and an accessory real estate leasing office for Chestnut Hill Realty.

The project requires a dimensional variance under Section 5.31 because at 37 units, the building exceeds the allowable number of dwelling units per lot area, and the addition of two units will increase this non-conformity, albeit negligibly (from 442 square feet/dwelling unit to 419 square feet/dwelling unit).

Located on an oddly-shaped, corner lot, the building straddles the Residential B and C-2 districts. The portion of the building where the petitioner seeks to convert to residential units is located entirely within the Residential C-2 district.

Prior to 2014, the basement area in question contained a relatively large, three-bedroom apartment. In 2014, the owner obtained a Planning Board Special Permit to allow for the construction of five (5) additional basement apartments, pursuant to Section 20.600 (Basement Housing Overlay District) of the Cambridge Zoning Ordinance ("CZO"). The additional five (5) units were completed in 2016, bringing the unit count to a total of 38 apartments. Thereafter, the owner abandoned an outdated three-bedroom basement apartment and expanded its accessory office into this space, reducing the building's unit count to 37 apartments.

The Petitioner now seeks to convert the basement office space, re-establishing the one apartment that was abandoned, and adding another apartment.

LITERAL ENFORCEMENT WOULD INVOLVE SUBSTANTIAL HARDSHIP REQUIRING VARIANCE:

Nearly any change of use of space within this preexisting non-conforming building would trigger a requirement for a variance due to the size and shape of the lot, the unusual shape of the building, its siting on the lot, the fact that the lot and structure straddle the Residential C-2 and the more restrictive Residential B district.

Public access to the leasing office at 1-3 Langdon Street was never optimal, due to its location in the basement of the building below the street grade requiring entry down a set of stairs. The basement leasing office was challenging from a visibility and wayfinding perspective. The existing office space is obsolete, since the management company now operates its leasing office out of the ground-level retail space next door at 1642 Massachusetts Avenue.

The Petitioner proposes a use that is more congruent with the residential nature of the building and would contribute to the housing supply for the City.

The Petitioner would face substantial hardship if the Board were to require strict adherence to the dimensional (unit count) limitations for this Property. The 1924 building was constructed prior to the imposition of this density restriction. A literal enforcement of the Ordinance in this instance would result in constraining the ability of the Petitioner to re-establish this portion of its building for residential use and optimize the use of the apartment building to provide additional, much-needed housing. The hardship is owing to the following unique circumstances: (a) the extraordinarily oddly-shaped polygon lot, (b) the oddly-shaped, mid-19th Century structure, (c) the siting of the lot and the structure in both the Residential C-2A and the more restrictive Residential B district, and (d) the topography resulting in a portion of the building being accessed via a

stairway. These circumstances are extremely unique to this Property and generally do not affect other properties in these zoning districts.

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 owing to the following unique circumstances: (a) the extraordinarily oddly-shaped polygon lot, (b) the oddly-shaped, mid-19th Century structure, (c) the siting of the lot and the structure in both the Residential C-2A and the more restrictive Residential B district, and (d) the topography resulting in a portion of the building being accessed via a stairway. These circumstances are extremely unique to this Property and generally do not affect other properties in these zoning districts.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

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

The requested relief may be granted without detriment to the public good. The work necessary to convert the space from office to apartments will take place within the existing building and will not require exterior alterations. A change of use from office to residential would have no impact (or would be an improvement in terms of impacts) for abutters and the public. The apartment building is located in a busy area just outside Harvard Square and the subject area of the basement is located on the side of the building farthest away from the abutting residential neighborhood. Removing the leasing office will result in a diminishment of impacts on the neighbors (including residents of the building), decreasing foot traffic, and vehicle stops/street parking. Converting this space to residential apartments will not be substantially detrimental in resulting in congestion, noise, or nuisance. Moreover, the project will result in the addition of much-needed, modestly-sized, residential apartments located close to public transit contained within existing space that would otherwise go unused.

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

The granting of variance relief in this instance will be consistent with the intent and purpose of the Ordinance, as detailed in Section 1.30 of Article 1.000 Preamble of the Zoning ordinance as well as M.G.L Ch. 40A Zoning Section 10 Variances, the proposed project will a) create quality housing for the benefit of the residents and abutters; and b) not result in a use or activity not otherwise premitted in the ordinance; and c) encourage the most rational use of land throughout the city, including the encouragement of appropriate economic development, and d) not result in negative impacts listed in Section 1.3 regardign traffic, population density, blight and pollution.

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

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: John Harvard LLC Location:

1 Langdon St., Cambridge, MA

Phone: 617-543-7009 Present Use/Occupancy: Multifamily Dwelling, Office

Zone: Residence C-2 and Residence B

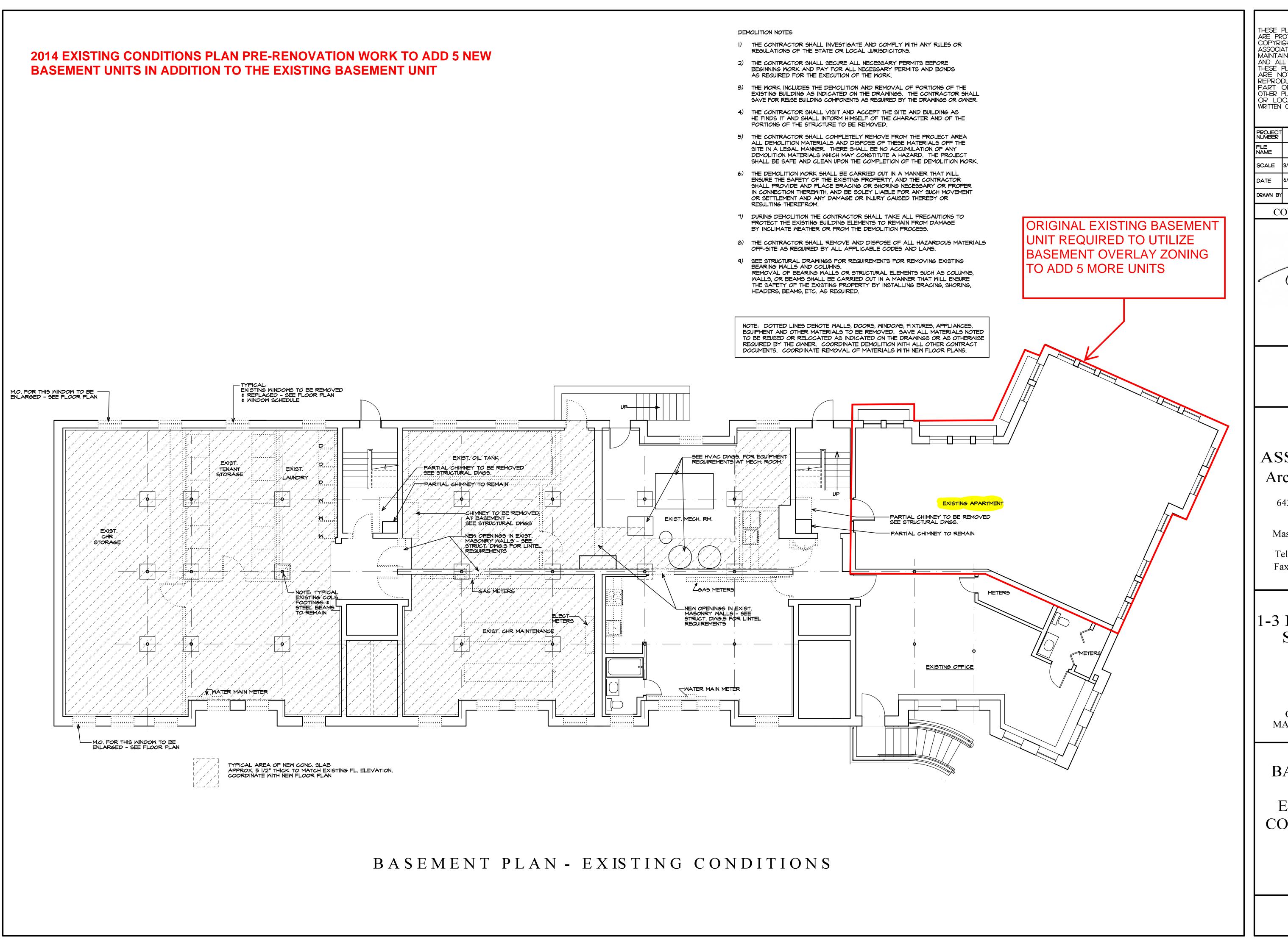
Requested Use/Occupancy: Multifamily Dwelling

		Existing Conditions	Requested Conditions	Ordinance Requirements	
TOTAL GROSS FLOOR AREA:		29,995 sf	29,995 sf	17,546 sf (max)	(max.)
LOT AREA:		16,359 sf	16,359 sf	5,000 sf (min)	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²		1.83	1.83	1.75/0.50/0.35	
LOT AREA OF EACH DWELLING UNIT		442 sf	419 sf	600/2,500/4,000 sf (min)	
SIZE OF LOT:	WIDTH	67 ft/70 ft	67 ft/70 ft	50 ft min	
	DEPTH	n/a	n/a	none	
SETBACKS IN FEET:	FRONT	0.7/ 4.0 ft	0.7/ 4.0 ft	(H+L)/4 / 15 ft	
	REAR	n/a	n/a	n/a	
	LEFT SIDE	0	0	(H+L)/5 / 7.5 ft	
	RIGHT SIDE	10.0 ft	10.0 ft	(H+L)/5 / 7.5 ft	
SIZE OF BUILDING:	HEIGHT	40 ft	40 ft	85/35 ft	,
	WIDTH	n/a	n/a	none	
	LENGTH	n/a	n/a	none	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		0.12	0.12	0.15/0.40	
NO. OF DWELLING UNITS:		37	39	15 (max) per formula in Sec. 5.27.1	
NO. OF PARKING SPACES:		19	19	0	
NO. OF LOADING AREAS:		0	0	0	
DISTANCE TO NEAREST BLDG. ON SAME LOT		n/a	n/a	(H1+H2)/10	

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

Customary interior residential construction materials to be used for conversion of interior.

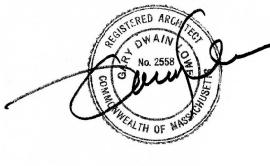
- 1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
- 2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') **DIVIDED BY LOT AREA.**
- 3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL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



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AWN BY				
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CONSULTANTS



LOWE ASSOCIATES Architects, Inc.

643 VFW Parkway
Suite 200
Chestnut Hill
Massachusetts 02467

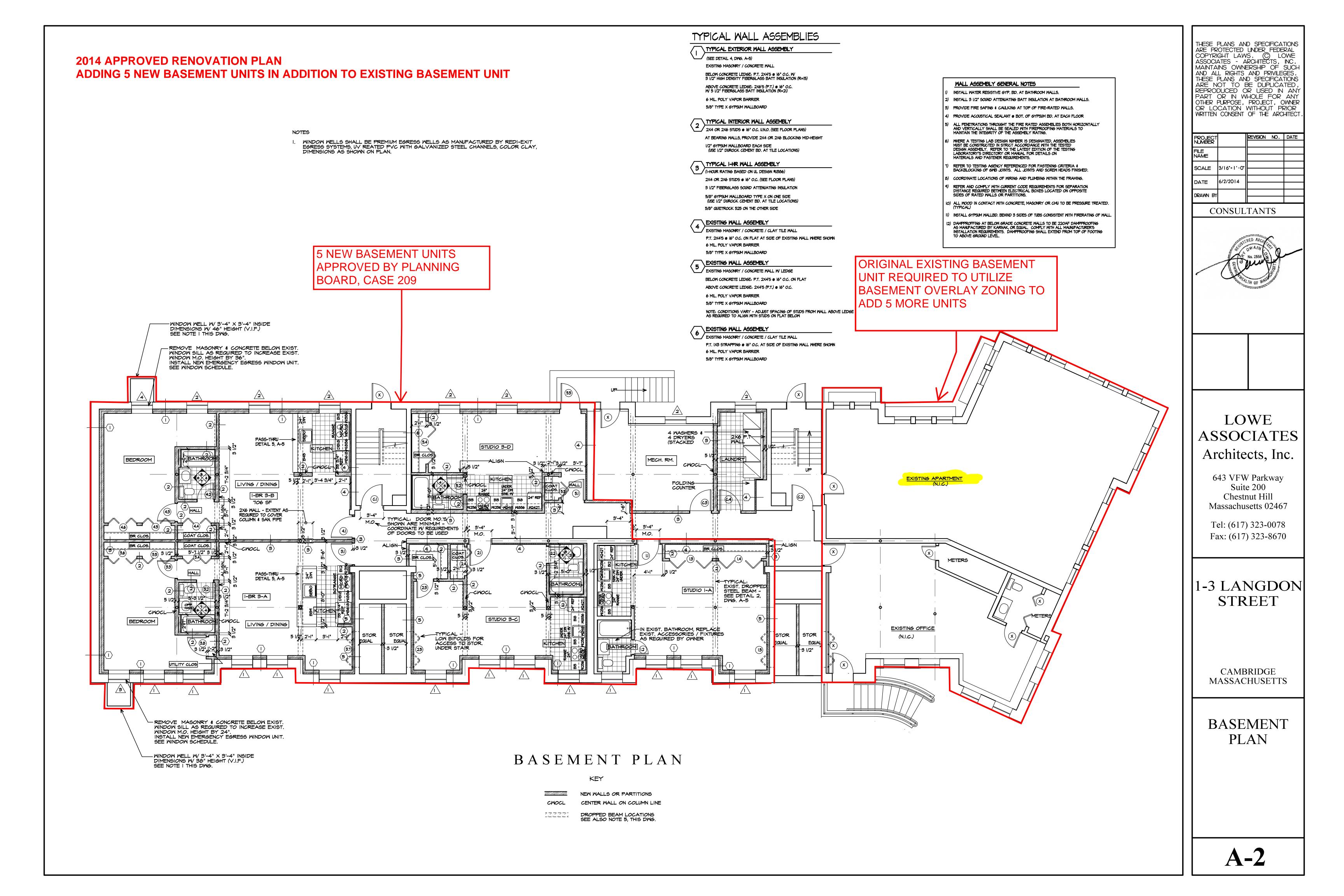
Tel: (617) 323-0078 Fax: (617) 323-8670

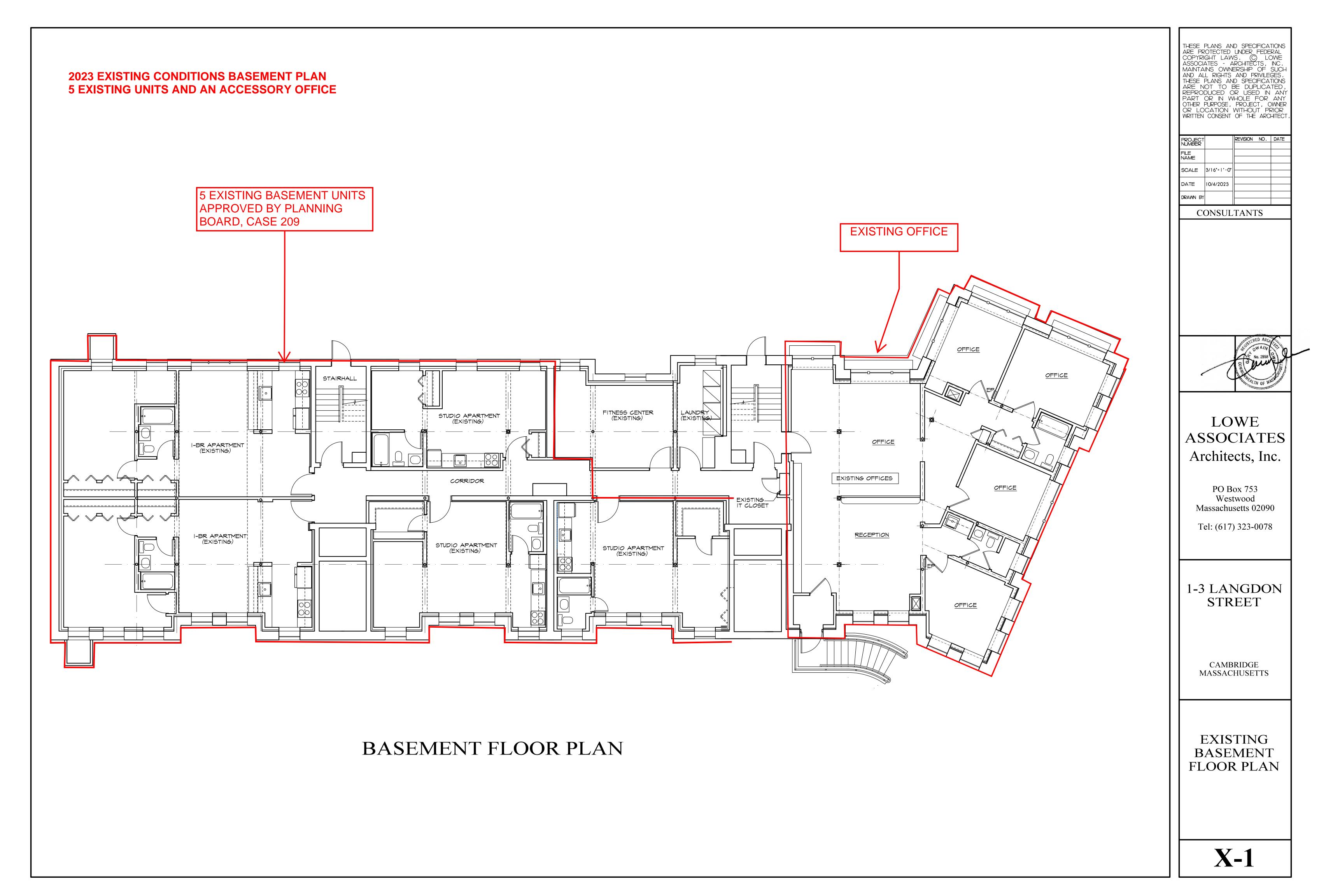
1-3 LANGDON STREET

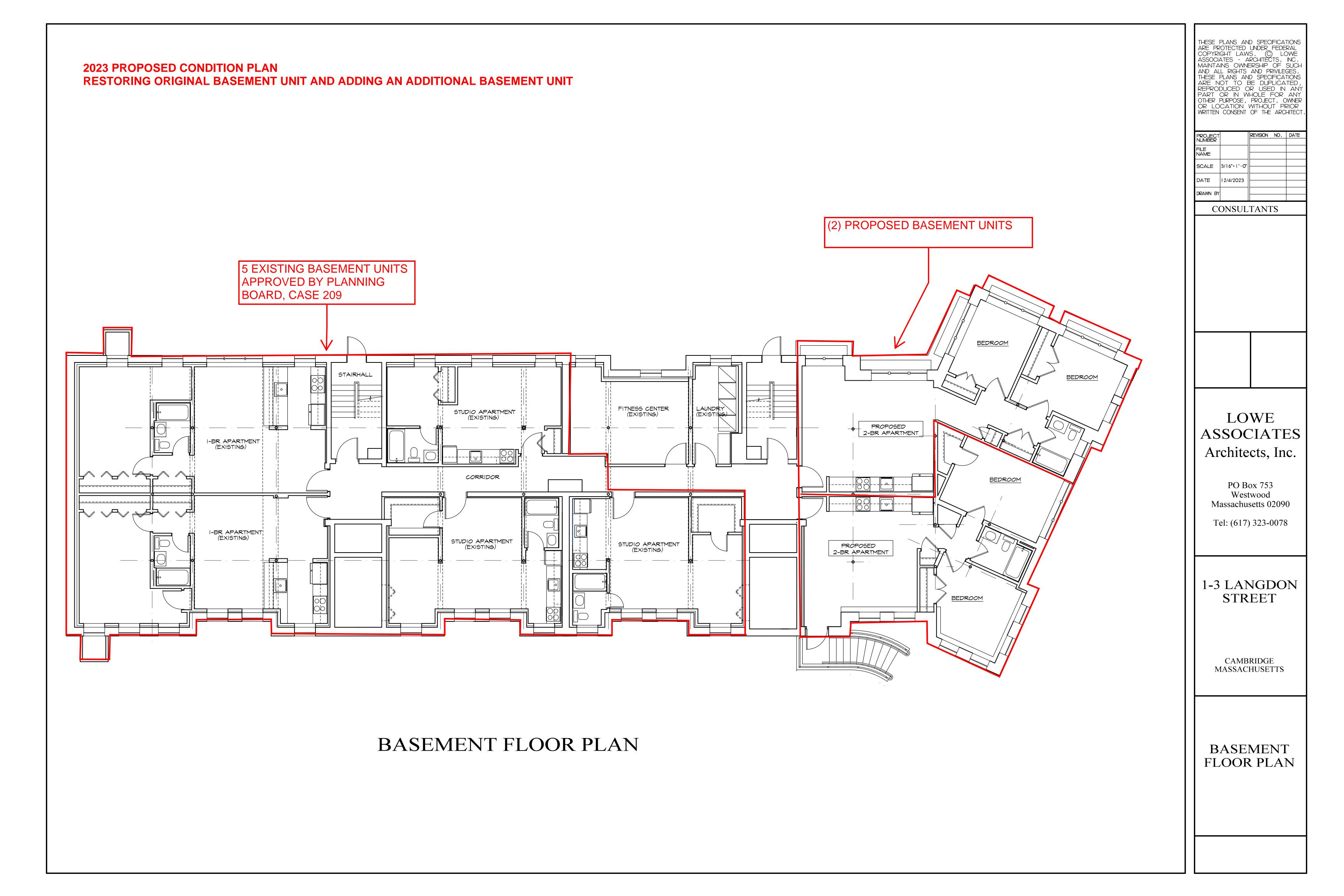
CAMBRIDGE MASSACHUSETTS

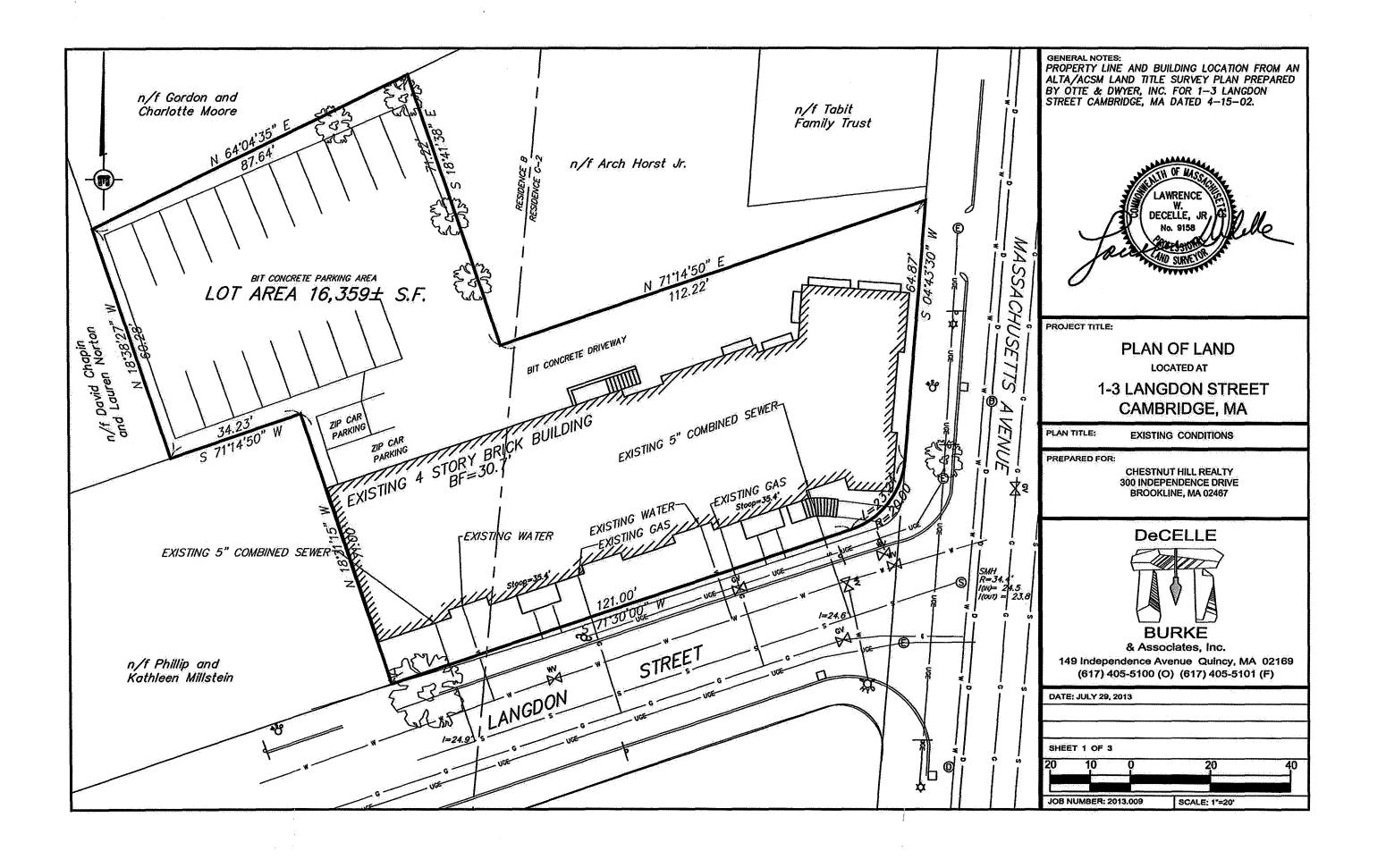
BASEMENT
PLAN
EXISTING
CONDITIONS

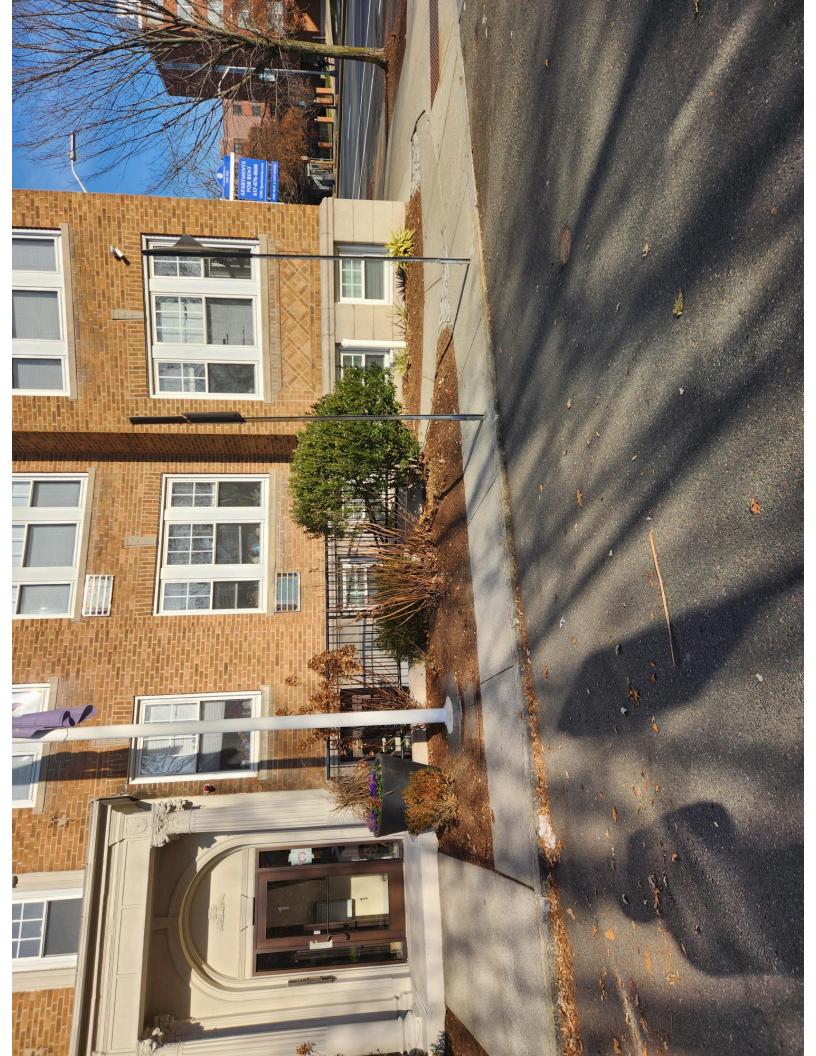
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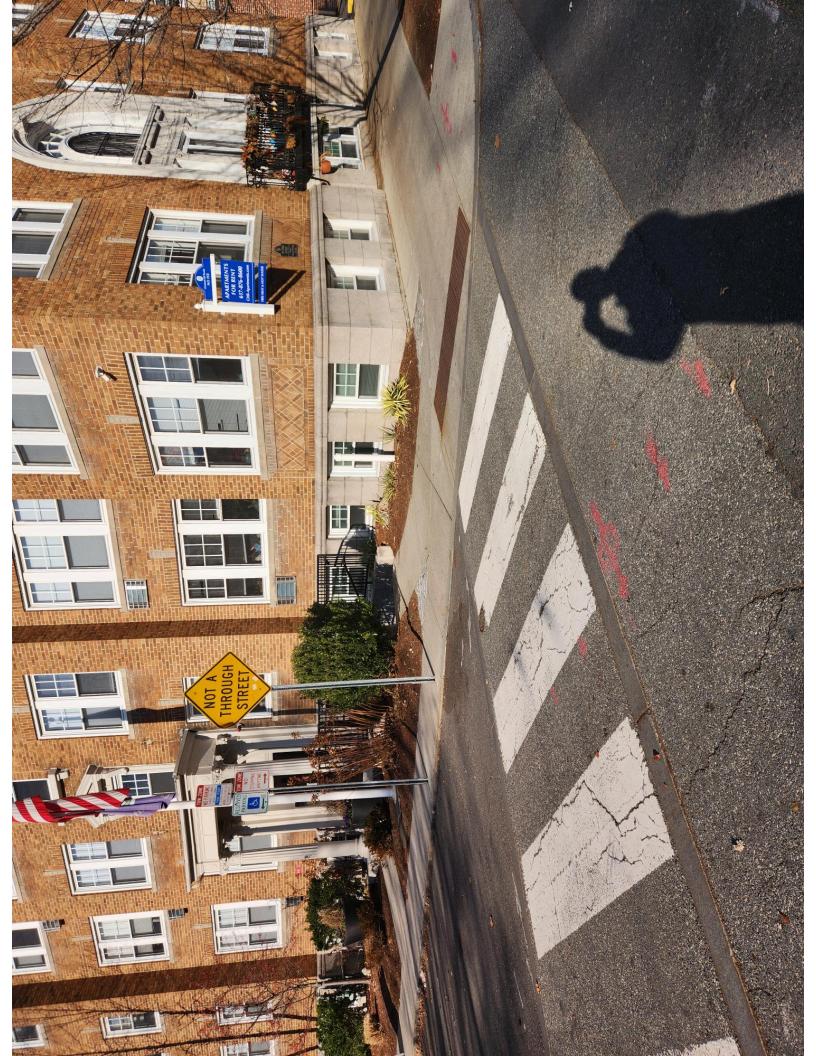


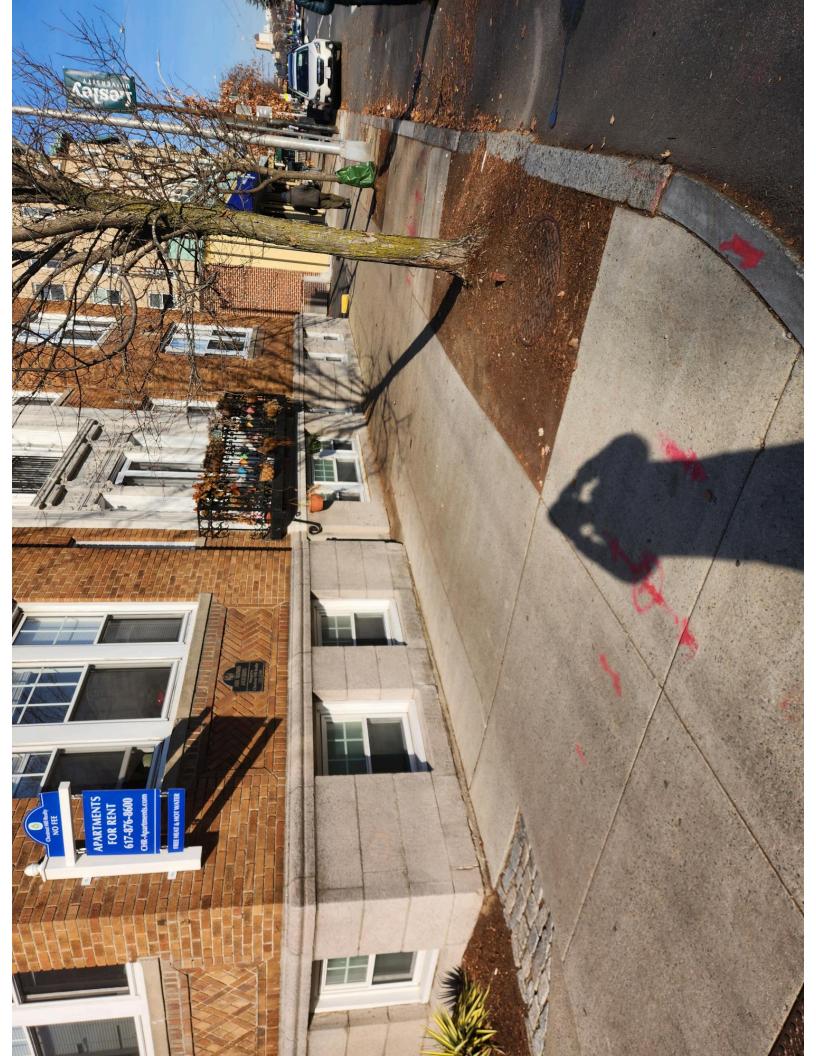


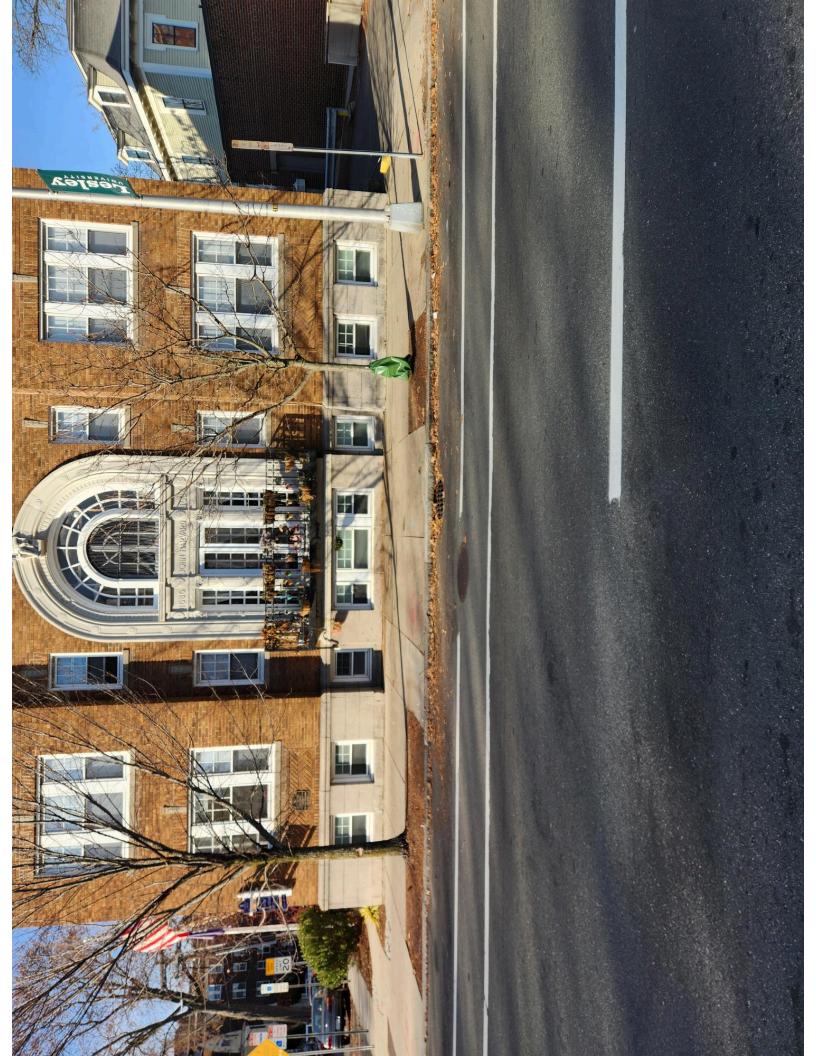




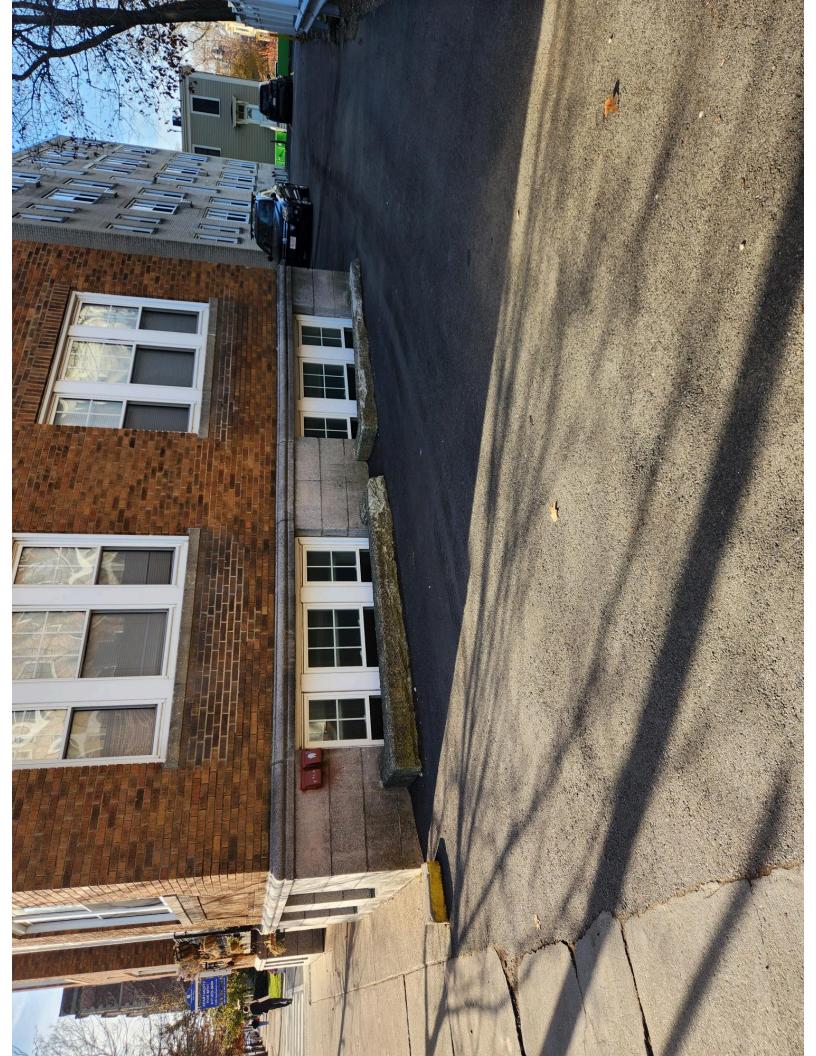


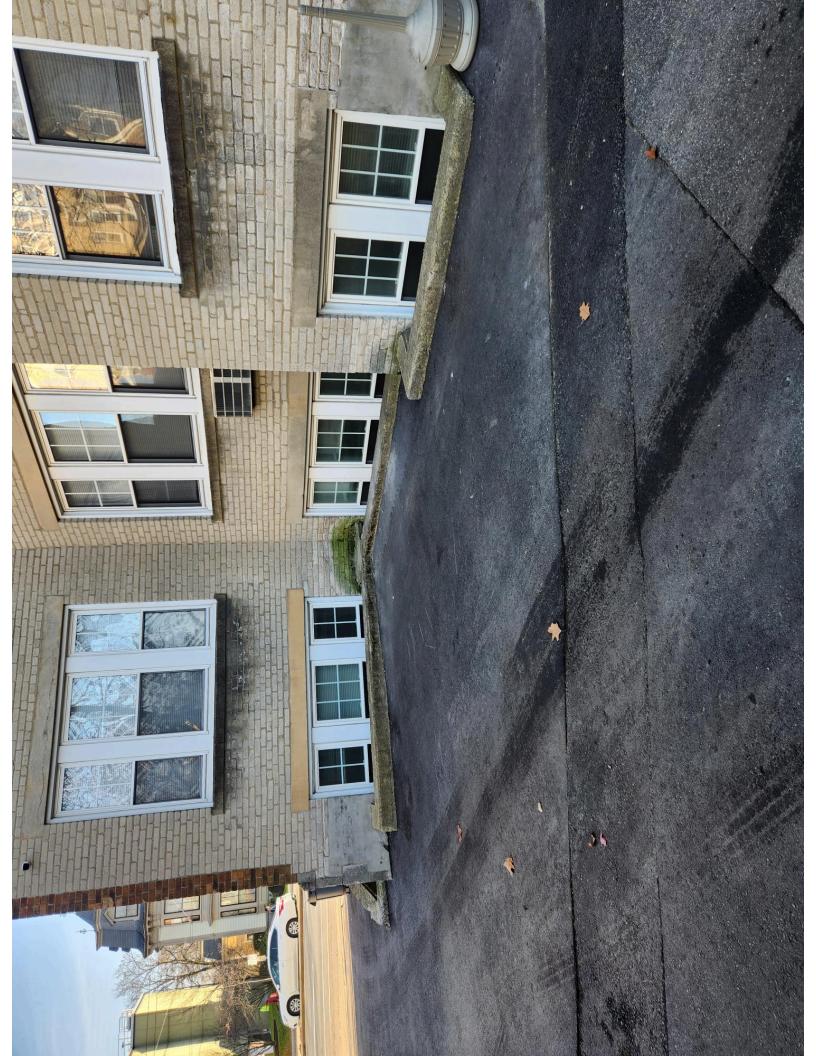


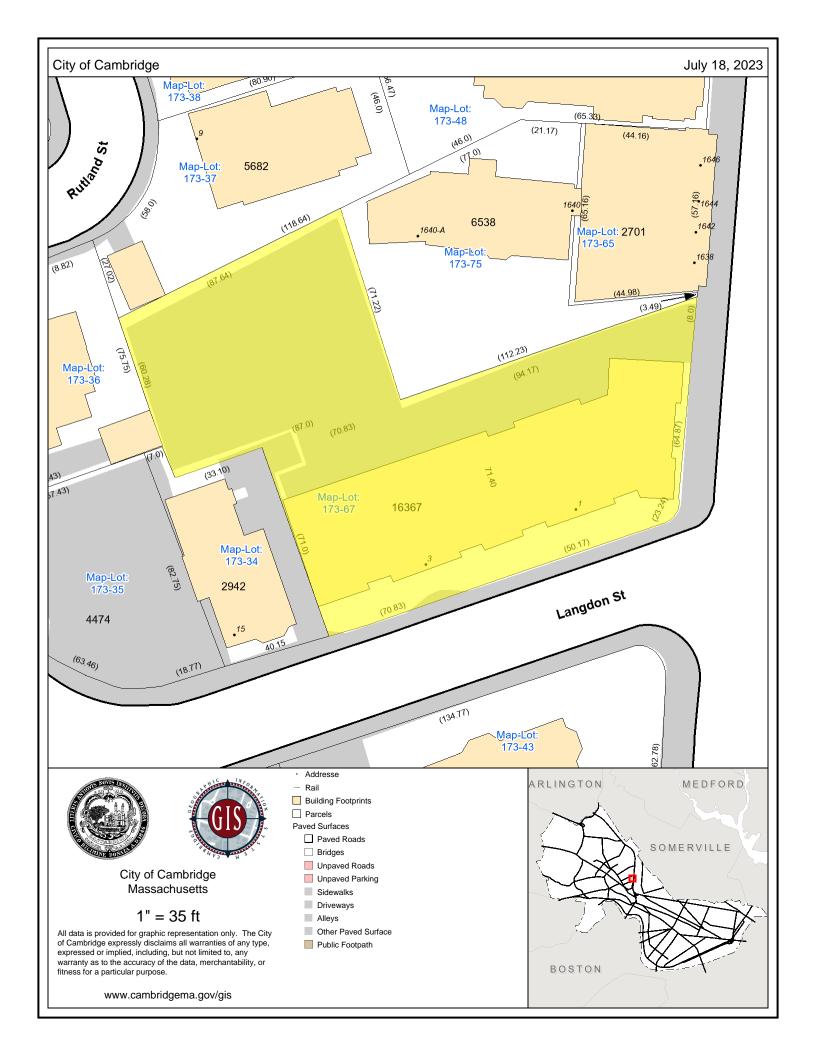












angton 174-69 1664 Massachusetts Ave 156-25 1665 Massachusetts Ave 174-37 662 Massachusetts Ave 1 Wendell St₁₅₆₋₂₄ 174-70 174-79 174-78 1 Shepard St 1663 Massachusetts Ave 3 Wendell St 174-41 5 Shepard St 3 Shepard St 174-42 9 Shepard St 11 Shepard St Shepard St Wendell St 13 Shepard St 654 Massachusetts Ave 4 Shepard St 8 Shepard St 6 Shepard St 173-30 Rutland St 173-29 173-48 1651 Massachusetts Ave 173-81 Rutland St 156-86 1648 Massachusetts Ave 173-38 7 Rutland St 10 4 Rutland St 9 Rutland St 173-12 156-26 1646 Massachusetts Ave 173-37 6 Rutland St 1644 Massachusetts Ave 1642 Massachusetts Ave 1638 Massachusetts Ave 1640 Massachusetts Ave 173-65 1640-A Massachuse ts Ave 173-75 (1) 0 3 Mellen St 1637 Massachusetts Ave 156-55 173-36 19 Rutland St 5 Mellen St 1 ROAD 1 Langdon St 173-67 0 0 3 Langdon S 173-34 Mellen St 173-15 Langdon 3-35 15 Lan don 1627 Massachusetts Ave 4 Mellen St 157-1 1626 Massachusetts Ave 157-49 173-43 20 Langdon St 24 Langdon St 173-57 28 Langdon St 173-56 Massachusetts Ave Wassachusetts Ave 157-50 173-41 157-39 1619 Massachusetts Ave 1617-A Massachusetts Ave 11 Everett S 173-71 157-53 5 Chauncy St 173-101 157-23 3 Everett St 7 Everett St 1610 Massachusetts Ave 1611 Massachusetts Ave 157-26 157-52 173-78 5 Everett St 157-54 1607 Massachusetts Ave 1 Chauncy St O Chauncy St 173-92 3 Chauncy St 7 Chauncy St Everett St Chauncy St 172-99 157-69

I Langdon St.

173-37 MOORE, GORDON T., CHARLOTTE B. MOORE 9 RUTLAND ST CAMBRIDGE, MA 02138

173-38 HOWE WILLA 5-7 RUTLAND ST - UNIT 7-2 CAMBRIDGE, MA 02138

173-65
TABIT, SALIM, NANCY C TABIT& EDDY TABIT
TRUSTEES THE TABIT FAMILY 2010 IRREV TRU
1804 DOGWOOD CIRCLE
NORTH ANDOVER, MA 01845

173-48
MILLER, TUCKER REED JOHN KURT MILLER
C/O NIXON PEABODY(F. GREIN)
53 STATE STREET 29TH FL
BOSTON, MA 02109

173-38 PUTRIH, TOBIAS & MOJCA SKOBERNE 5-7 RUTLAND ST. UNIT#7/1 CAMBRIDGE, MA 02139 173-34-35 CHESTNUT HILL REALTY DEVELOPMENT CORP TRS, 15-17 LANGDON ST REALTY TRUST 300 INDEPENDENCE DR CHESTNUT HILL, MA 02467

173-43 PARK STREET CHURCH 1 PARK ST BOSTON, MA 02108-4802

156-26
PRESIDENT & FELLOWS OF HARVARD COLLEGE
C/O HARVARD REAL ESTATE, INC.
HOLYOKE CENTER, ROOM 1017
1350 MASS. AVE.
CAMBRIDGE, MA 02138

173-57 CULLISON, NANCY J. & DAVID MANSFIELD 20 LANGDON STREET CAMBRIDGE, MA 02138

157-1 HRI 1627 MASS AVE LLC 280 FRANKLIN ST CAMBRIDGE, MA 02139 TRILOGY LAW LLC
C/O SARAH L. RHATIGAN, ESQ.
12 MARSHALL STREET
BOSTON, MA 02108

173-67
JOHN HARVARD LLC,
C/O CHESTNUT HILL REALTY CORP
P.O BX 396
CHESTNUT HILL, MA 02467

173-36 WESTHEIMER, ELLEN 19 RUTLAND ST CAMBRIDGE, MA 02138

173-38 RUTTER, JOHN A. & KATHLEEN HUNTER RUTTER 5-7 RUTLAND ST. UNIT#5/1 CAMBRIDGE, MA 02139

173-75 MASS 1640 LLC 1640 MASSACHUSETTS AVE CAMBRIDGE, MA 02138