



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2023 JUN 16 AM 11:12

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 228569

General Information

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: X Variance: Appeal:

PETITIONER: Garden Lodge LLC C/O Sarah Like Rhatigan, Esq., Trilogy Law LLC

PETITIONER'S ADDRESS: 12 Marshall Street, Boston, MA 02493

LOCATION OF PROPERTY: 2 Garden St., Cambridge, MA

TYPE OF OCCUPANCY: Rectory/parsonage, dormitory, **ZONING DISTRICT:** Residence C-2 Zone office

REASON FOR PETITION:

/Additions/

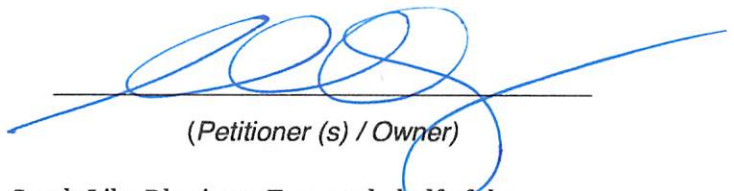
DESCRIPTION OF PETITIONER'S PROPOSAL:

Alterations to and construction of a conforming rear addition to a nonconforming structure, resulting in an increase in the area of more than 10% (and less than 25%) of the existing structure.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000	Section: 5.31 (Table of Dimensional Requirements)
Article: 8.000	Section: 8.22.2.c (Alteration and enlargement of a nonconforming structure)
Article: 10.00	Section: 10.40 (Special Permit)

Original
Signature(s):



(Petitioner (s) / Owner)

Sarah Like Rhatigan, Esq., on behalf of the
Petitioner, Garden Lodge LLC

(Print Name)

Address: Trilogy Law LLC, 12 Marshall St., Boston, MA, 02108
 Tel. No. 617-543-7009
 E-Mail Address: sarah@trilogylaw.com

Date: June 15, 2023

BZA APPLICATION FORM - OWNERSHIP INFORMATION

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

Matthew Moore, Manager of Garden Lodge LLC

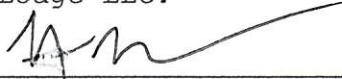
(OWNER)

Address: 667 Somerville Avenue, Somerville, MA 02143

state that **Garden Lodge LLC** owns the **property located at 2 Garden Street, Cambridge, Massachusetts** which is the subject of this zoning application.

The record title of the above-described property is in the name of *Garden Lodge LLC* pursuant to a deed dated *October 19, 2022* and duly filed in the Middlesex South County Registry of Deeds, Registered Land Division, as Document No. 1925703, and noted on Certificate of Title No. 280668, in Book 1595, Page 125.

Garden Lodge LLC:



By: *Matthew Moore*
Its: *Manager*



NOTARY PUBLIC

COMMONWEALTH OF MASSACHUSETTS

COUNTY: Middlesex County, ss.

On this 15 day of *May*, 2023, before me, the undersigned notary public, personally appeared the above named *Matthew Moore, Manager of Garden Lodge LLC*, proved to me through satisfactory evidence of identification which was DL a driver's license or _____ (form of photo identification) to be the same person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of *Garden Lodge LLC*.



Notary Public

Commission Expires: *November 16, 2029*

SEE APPLICATION FORM - OWNERSHIP INFORMATION

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

Matthew Moore, Manager of Garden Lodge LLC

(OWNER)

Address: 667 Somerville Avenue, Somerville, MA 02143

state that Garden Lodge LLC owns the property located at 2 Garden Street, Cambridge, Massachusetts which is the subject of this zoning application.

The record title of the above-described property is in the name of Garden Lodge LLC pursuant to a deed dated October 19, 2011 and duly filed in the Middlesex South County Registry of Deeds, Registered Land Division, as Document No. 1923153, and noted on Certificate of Title No. 180888, in Book 155, page 155.

Garden Lodge LLC:

By: Matthew Moore
Its: Manager

NOTARY PUBLIC

COMMONWEALTH OF MASSACHUSETTS

COUNTY: Middlesex County, ss.

On this 12 day of May, 2012, before me, the undersigned Notary Public, personally appeared the above named Matthew Moore, Manager of Garden Lodge LLC, proved to me through satisfactory evidence of identification which was his driver's license or (form of photo identification) to be the same person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for the stated purpose on behalf of Garden Lodge LLC.

Notary Public

Commission Expires: 12/31/2012

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 2 Garden 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:

The Petitioner seeks to renovate and enlarge a rear addition to the historic, 19th-century building. The Petitioner's intention is to operate a small lodging house. The building is aged and requires substantial renovation and upgrades.

The proposed renovations and addition have undergone a thorough review by the Cambridge Historical Commission which has jurisdiction over exterior alterations as the property is located within the Old Cambridge Historical District. The Petitioner's initial proposal for a full three-story, flat-roofed, brick-clad addition was scaled back and significantly modified in response to feedback from the Historical Commission and the abutters at 1 Garden Street. The current proposal received the unanimous support of the Historical Commission, which issued a Certificate of Appropriateness at its June 1st hearing.

The design also received the support of the abutters at 1 Garden Street, although they expressed concern about a lodging house use.

Petitioner's intended use as a 13-room lodging house is an allowed use in the C-2 district and does not require zoning relief. See CZO Section 4.31.i.3.

The property is legally preexisting nonconforming. Constructed circa 1835, the single-family style building is located on an undersized (4,551 square feet) lot and with narrow side and front yard setbacks. The proposed alterations and enlarged rear addition all comply with setback requirements and result in a building that complies with the district's Floor Area and Open Space requirements.

Since the project will result in an increase in area and/or volume of greater than 10% (but less than 25%) of the existing building, a special permit under Cambridge Zoning Ordinance (CZO) 8.22.2.c is required.

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 proposed renovations and addition will not substantially impact the established neighborhood character, nor cause congestion hazards, or negative impacts in terms of traffic generated or patterns of access or egress. The property is located across from the Cambridge Common in a busy, commercially vibrant area of Cambridge. The modest increase in area that is proposed, located at the rear and keeping within the existing footprint of the existing structure, will not result in congestion hazard. The renovations remove existing elements of the building that intrude into side setbacks and provide for the new addition to be set back from the left side (which is nearest the 1 Garden Street building). Removal of windows on the left elevation also improves privacy for the 1 Garden Street abutters.

Access and egress patterns will be similar, although improved. The main entrance and interior small lobby will be shifted to the right side entryway, set back from the street. The central historic entry door will remain for aesthetic purposes. The existing left-side egress door, landing, and stairs that currently route foot traffic

within feet of the neighboring 1 Garden Street property are being eliminated. Also eliminated is the rear fire escape which currently serves as the second means of egress from the third floor of the main house. A new code-compliant interior stair will provide fire-safe egress for occupants, bringing them to the first-floor lobby and out the main entry to Garden Street, or leading out to the rear yard via garden-level egress doors.

The existing curb cut and parking space will be maintained to allow for an area for vehicle pick-up and drop-off at the site. Occupants in this convenient Harvard Square location are expected to be largely walking, biking, or using ride-share or public transportation.

- 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 continued operation of or development of adjacent uses will not be adversely affected by this proposal. The rear addition conforms to setbacks and height requirements and is pulled back from the left side (to accommodate the 1 Garden Street abutters, whose building lies very close to that lot line). The addition will allow for the substantial renovation and revitalization of this 19th-century building.

- 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 for the future occupants of the building and/or the citizens of Cambridge by allowing for the expansion of the building as proposed here. On the contrary, the renovations and expansion proposed are all necessary in order to update, and provide code-compliant and habitable use of this aged, historic building. Modifications to the existing building, including the removal of windows on the left side facing 1 Green Street, and the removal of the left-side egress door, landing, and stairs, are intended to improve privacy for the neighbors at 1 Garden Street.

- 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:

The requested special permit relief can be granted without impairing the integrity of the districts or adjoining districts because it will allow for necessary improvements to a pre-existing non-conforming building, that will be in keeping with the neighborhood uses and beneficial in allowing for the revitalization and restoration of a historic building in the heart of Old Cambridge.

***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:** Garden Lodge LLC**Present Use/Occupancy:** Rectory/parsonage, dormitory, office**Location:** 2 Garden St., Cambridge, MA**Zone:** Residence C-2 Zone**Phone:** 617-543-7009**Requested Use/Occupancy:** Lodging house

		Existing Conditions	Requested Conditions	Ordinance Requirements	
TOTAL GROSS FLOOR AREA:		6,524	7,712	7,964	(max.)
LOT AREA:		4,551	4,551	5,000	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²		1.43	1.69	1.75	
LOT AREA OF EACH DWELLING UNIT		n/a	n/a	600	
SIZE OF LOT:	WIDTH	61.9	61.9	50.0	
	DEPTH	84.6	84.6	n/a	
SETBACKS IN FEET:	FRONT	7.9	7.9	(H+L)/6 and not < 10	
	REAR	20.0	20.0	20.0	
	LEFT SIDE	7.0	7.0 (existing)/ 13.5 (addition)	(H+L)/7 = 13.4	
	RIGHT SIDE	6.9	6.9 (existing)/ 13.5 (addition)	(H+L)/7 = 13.4	
SIZE OF BUILDING:	HEIGHT	38.5	38.5 (existing)/ 26.6 (addition)	85.0	
	WIDTH	56.5	56.5	n/a	
	LENGTH	47.6	47.6	n/a	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		0.27	0.17	0.15	
NO. OF DWELLING UNITS:		0	0	7 dwelling units allowed	
NO. OF PARKING SPACES:		1	1	0	
NO. OF LOADING AREAS:		0	0	0	
DISTANCE TO NEAREST BLDG. ON SAME LOT		0	0	H1+H2/6	

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.:

Attached one-story garage located in easement area to left of the structure, utilized by owner of 1 Garden Street, and allowed per BZA variance, will remain.

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'.



BZA APPLICATION

REAR ADDITION - 2 GARDEN ST

CAMBRIDGE, MA 02138

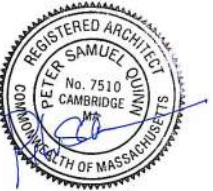
LIST OF DRAWINGS		BZA APPL		
		13 JUN 2023		
T-1	TITLE SHEET	X		
Z-0	DIMENSIONAL TABLE	X		
Z-1	DIMENSIONAL SITE PLAN	X		
Z-2	GROSS FLOOR AREA	X		
Z-3	AVG. GRADE, BLDG HEIGHT, SIDE YARD CALC.	X		
A0.1-0.4	ARCHITECTURAL RENDERING (4 SHEETS)	X		
AS-1	CONTEXT SITE PLAN	X		
A-1	BASEMENT FLOOR PLAN	X		
A-2	FIRST FLOOR PLAN	X		
A-3	SECOND FLOOR PLAN	X		
A-4	THIRD FLOOR PLAN	X		
A-5	FRONT ELEVATION	X		
A-6	LEFT ELEVATION	X		
A-7	REAR ELEVATION	X		
A-8	RIGHT ELEVATION	X		
A-9	BUILDING SECTIONS	X		
EC 1-5	EXISTING PLANS, ELEVATION, & SECTIONS	X		
EC-6	EXISTING PHOTOS	X		
	EXISTING CONDITIONS PLOT PLAN	X		
SH 1-3	SHADOW STUDY	X		

PETER QUINN ARCHITECTS

ARCHITECTURE
PLANNING
INTERIOR DESIGN

PETER QUINN ARCHITECTS LLC
259 ELM STREET, SUITE 301
SOMERVILLE, MA 02144
PH 617-354-3989

SEAL



CONSULTANT

PROJECT

BZA APPLIC
REAR ADDITION
2 GARDEN ST
2 GARDEN ST,
CAMBRIDGE, MA 02138

PREPARED FOR

GARDEN LODGE
LLC.

667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

TITLE SHEET

SCALE AS NOTED

REVISION	DATE

BZA APPLIC	13 JUN 2023
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DRAWN BY MN / YC	REVIEWED BY PQ
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SHEET

T-1

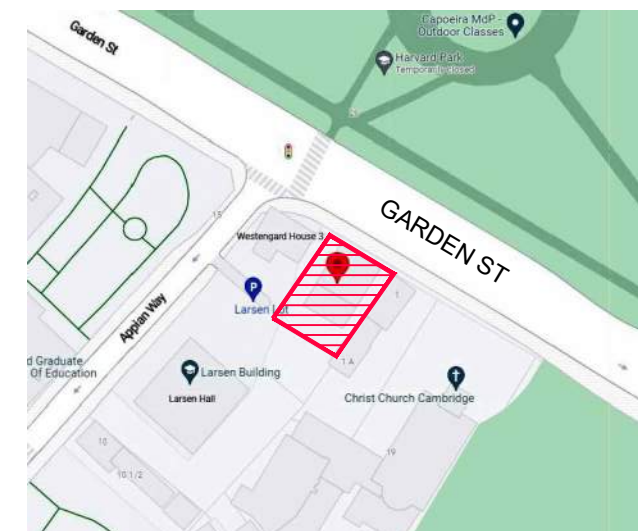
Zoning Summary

- Lodging House Use allowed by-right
- Proposed addition is dimensionally compliant
- Parking not required city-wide
- Special Permit from BZA required for an addition > 10% and < 25% of existing floor area
- Existing Building Area = 6,524-SF incl Basement
- Addition Area = 1,188-SF incl Basement
- Total Proposed Building Area = 7,712-SF
- FAR Allowed = 1.75; FAR Proposed = 1.69

PREPARED BY:

ARCHITECT
PETER QUINN
ARCHITECTS LLC
259 ELM ST, STE 301
SOMERVILLE, MA 02144
PH (617) 354 3989

CIVIL ENGINEER & SURVEYOR
SPRUHAN
ENGINEERING, P.C.
80 JEWETT ST, SUITE 2
NEWTON, MA 02458
PH (617) 816-0722



LOCUS PLAN ↑

2 GARDEN ST, CAMBRIDGE - DIMENSIONAL TABLE - RES. C-2 ZONING DISTRICT

ZONING CRITERIA	ALLOWED / REQUIRED	EXISTING	PROPOSED	COMPLIANCE	
Lot Area (sf)	5,000-sf min	±4,551-sf	no change	Complies per 5.21.1	
Lot Area per DU (sf)	600-sf min	±4,551-sf	no change	Complies	
Lot Width (ft)	50' min	±61.9'	no change	Complies	
Lot Depth (ft)	N/A	±84.6'	no change	N/A	
Gross Floor Area (sf)	7,964-sf max	6,524-sf	7,712-sf	Complies	
FAR	1.75 max	1.43	1.69	Complies	
MIN YARD Front Yard (ft)	(H+L) / (4+2) no case <10	Existing bldg:	7.9'	no change	Existing Condition
		Proposed add't'n:	N/A	44.3'	Complies
Rear Yard (ft)	(H+L) / (4+2) no case <20'	Existing bldg:	20'	no change	Existing Condition
		Proposed add't'n:	N/A	20'	Complies
Side Yard (ft) Left	(H+L) / (5+2) = 13.4' min	Existing bldg:	7'	no change	Existing Condition
		Proposed add't'n:	1st floor: 7' 2nd-3rd floor: 13.5'	7' 13.5'	Existing Condition Complies
Side Yard (ft) Right	(H+L) / (5+2) = 13.4' min	Existing bldg:	6.9'	no change	Existing Condition
		Proposed add't'n:	1st floor: 13.5' 2nd-3rd floor: 17.6'	13.5' 17.6'	Complies Complies
Building Height (ft)	85' max	Existing bldg:	38.5'	no change	Complies
		Proposed add't'n:	N/A	36.6'	Complies
Building Separation (ft)	(H1+H2) / 6, no case <10	N/A	N/A	Complies	
Area and % of required POS with width >15'	15% lot = 683-sf min Private Open Space	1,250-sf (27%)	770-sf private open space (17%)	Complies	
+ Area and % of required POS with width <15'	N/A			N/A	
= Private Open Space Total % of Lot Area	15% lot = 683-sf min Private Open Space	1,250-sf (27%)	770-sf private open space (17%)	Complies	
Number of Dwelling Units	7 max	0	0	Complies	
Number of Car Parking Spaces	0 min	1	1	Complies	
Number of Bike Parking Spaces	8 LT, 1 ST	0	8 LT, 2 ST	Complies	

PETER QUINN ARCHITECTS

ARCHITECTURE
PLANNING
INTERIOR DESIGN

PETER QUINN ARCHITECTS LLC
259 ELM STREET, SUITE 301
SOMERVILLE, MA 02144
PH 617-354-3989

SEAL



CONSULTANT

PROJECT

BZA APPLIC
REAR ADDITION
2 GARDEN ST
2 GARDEN ST,
CAMBRIDGE, MA 02138

PREPARED FOR

GARDEN LODGE
LLC.
667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

DIMENSIONAL
TABLE

SCALE AS NOTED

REVISION	DATE

BZA APPLIC	13 JUN 2023
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DRAWN BY MN / YC	REVIEWED BY PQ
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SHEET

Z-0



CONSULTANT

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DRAWING TITLE

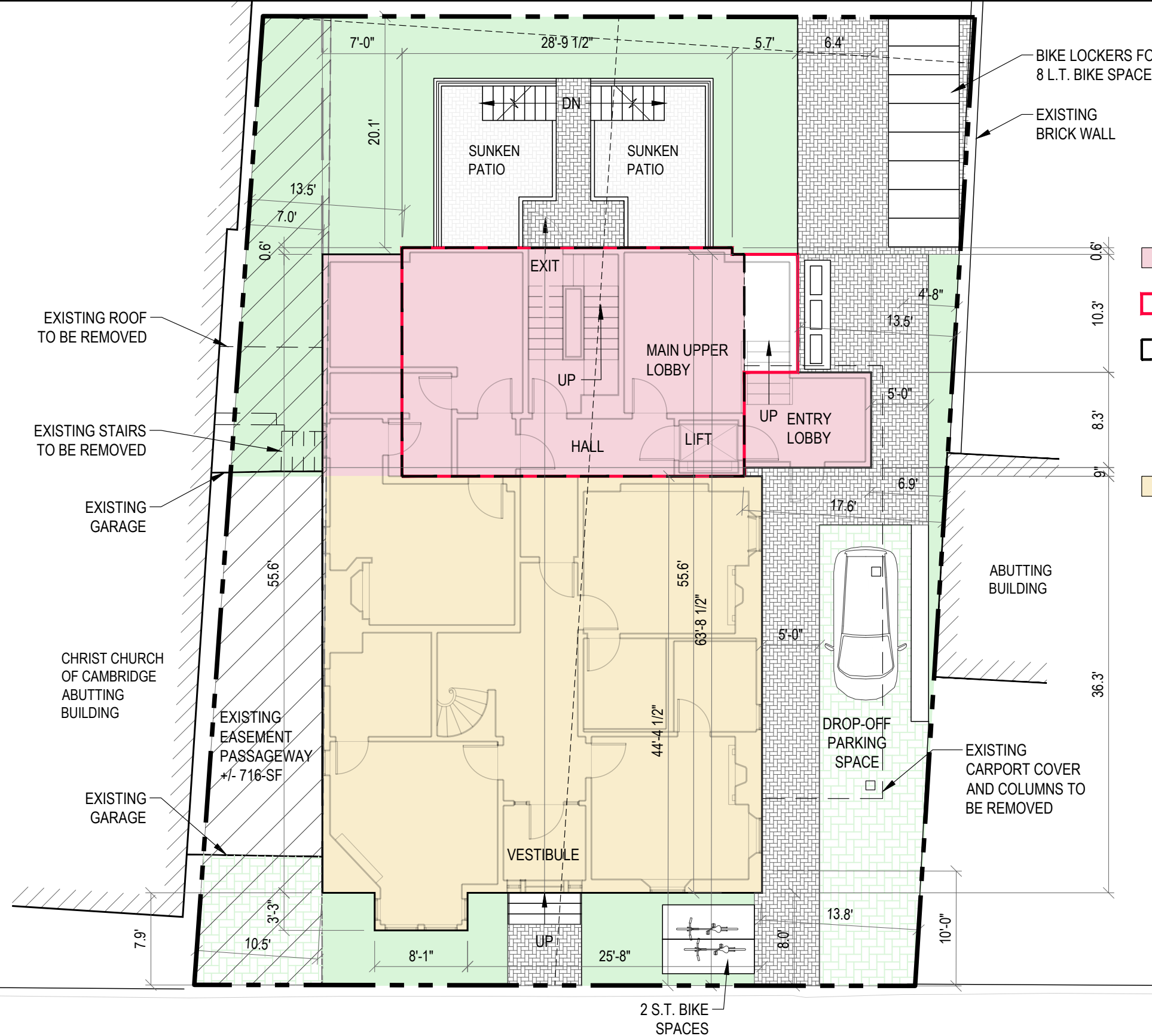
**DIMENSIONAL
SITE PLAN**

SCALE AS NOTED

REVISION	DATE

BZA APPLIC	13 JUN 2023
DRAWN BY MN / YC	REVIEWED BY PQ
SHEET	

Z-1



- EXTENT OF EXISTING 1ST FLOOR REAR ADDITION RETAINED
- PROPOSED EXTENT OF 2ND FLOOR REAR ADDITION
- PROPOSED EXTENT OF 3RD FLOOR REAR ADDITION
- EXTENT OF EXISTING 2 1/2-STORY PORTION RETAINED

1 DIMENSIONAL SITE PLAN
SCALE: 1" = 10'-0"



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SEAL



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DRAWING TITLE

**GROSS FLOOR
AREA**

SCALE AS NOTED

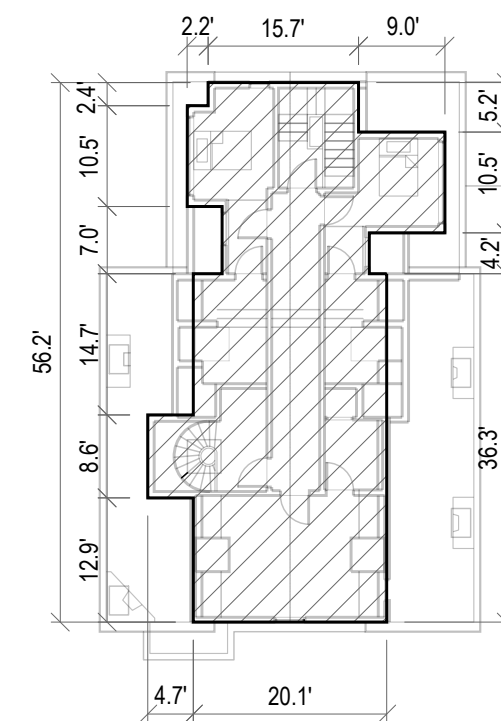
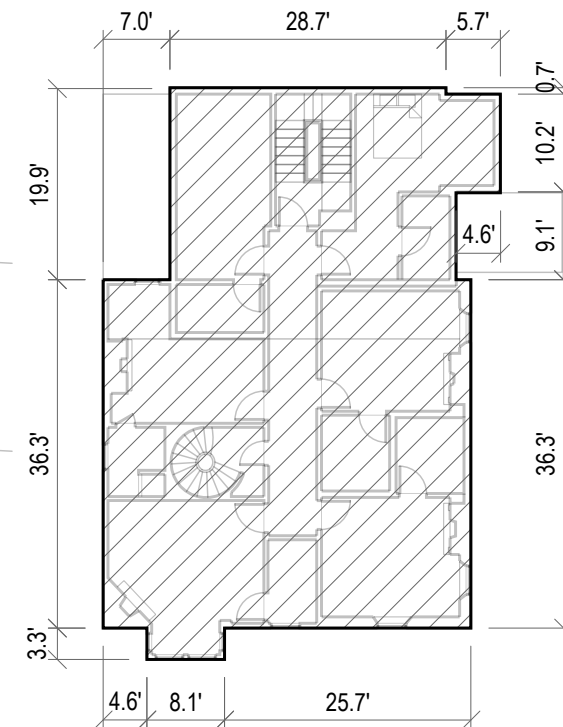
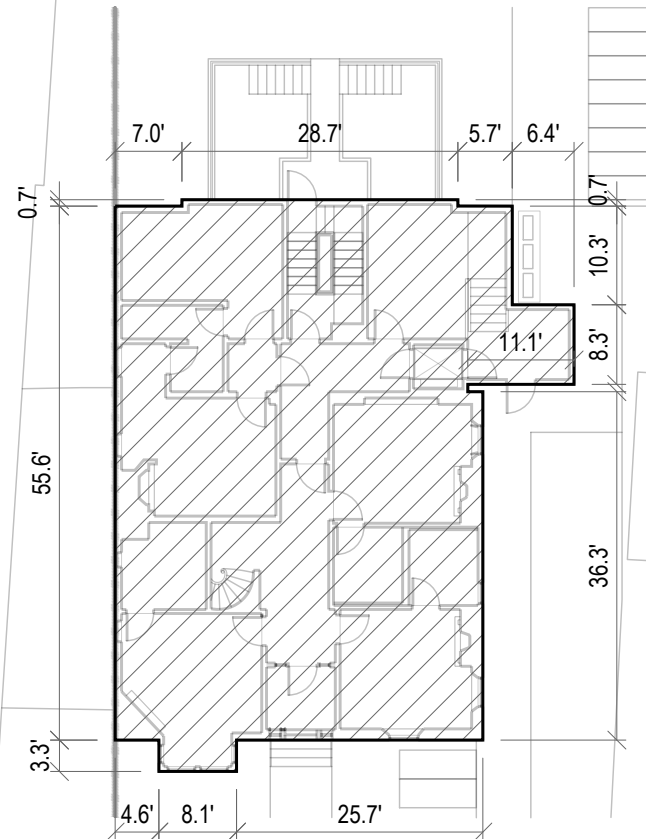
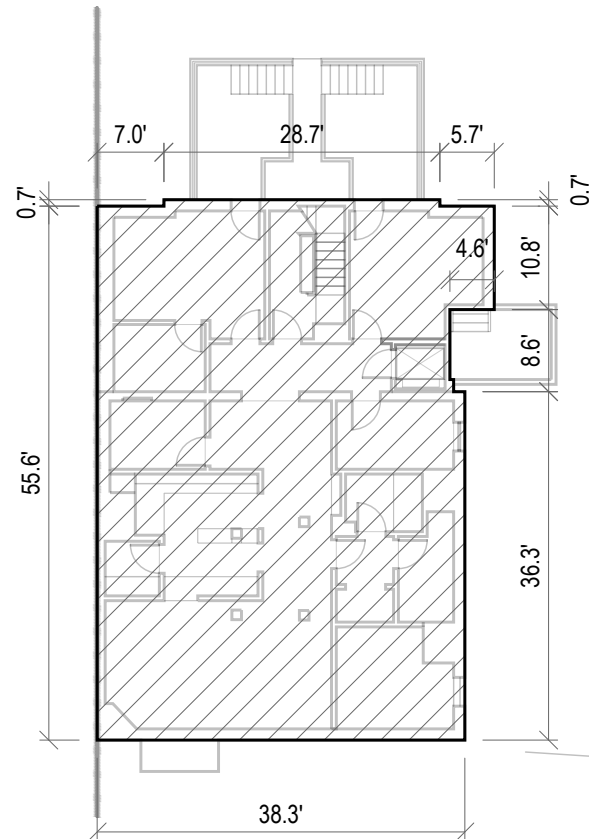
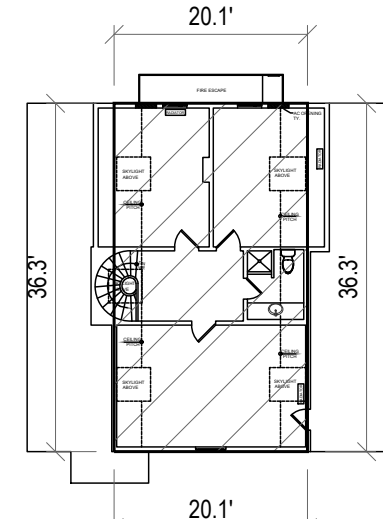
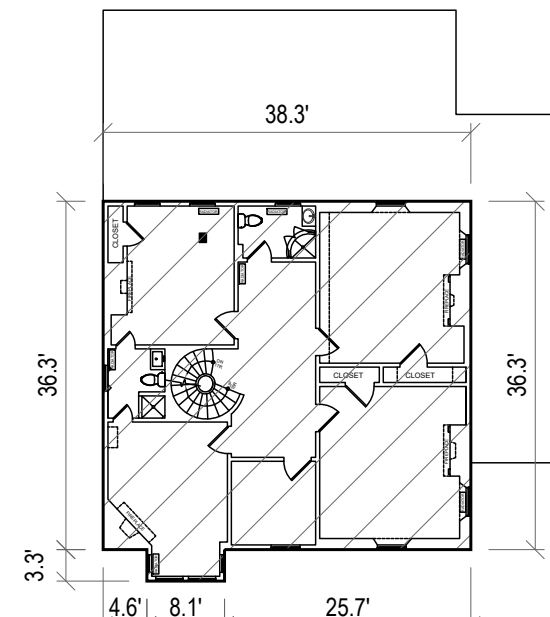
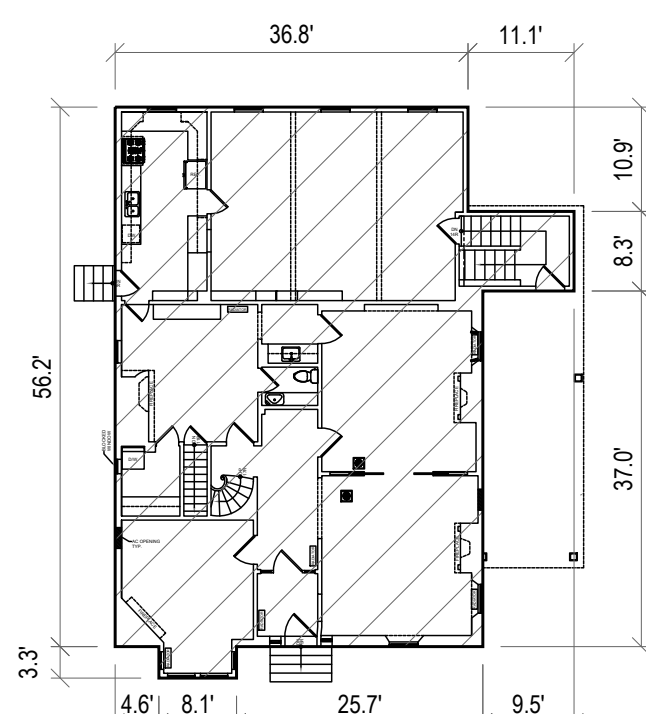
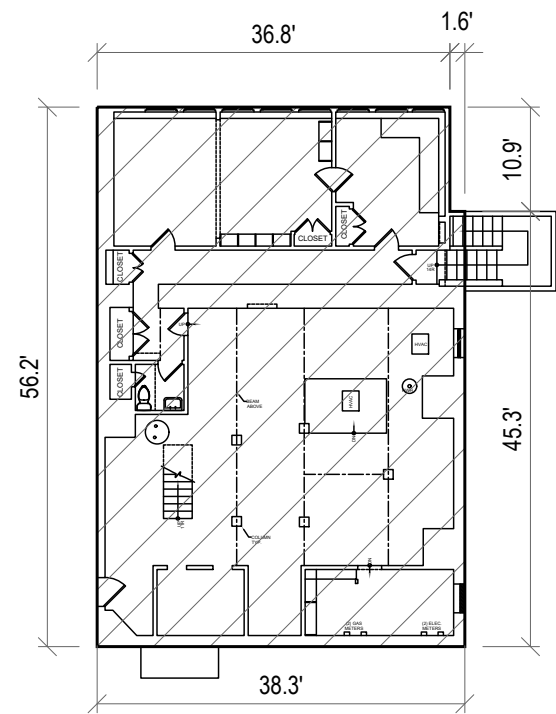
REVISION	DATE

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DRAWN BY MN / YC	REVIEWED BY PQ
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SHEET

Z-2



1 GROSS FLOOR AREA

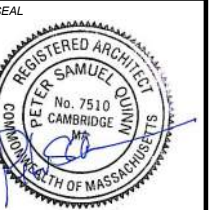
SCALE: 1" = 20'-0"

0' 5' 10' 20' 40'

FLOOR	EXISTING GSF	PROPOSED GSF
ATTIC/3RD FL	731	1,196
2ND FL	1,416	2,060
1ST FL	2,241	2,286
BASEMENT	2,136	2,170
TOTAL	6,524	7,712

7,712-SF - 6,524-SF =
ADDITIONAL 1,188-SF PROPOSED

EXISTING 6,524-SF x 0.25 =
ADDITIONAL 1,631-SF MAX VIA SP



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PREPARED FOR

GARDEN LODGE
LLC.
667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

AVG. GRADE,
BLDG HEIGHT,
SIDE YARD
CALC.

SCALE AS NOTED

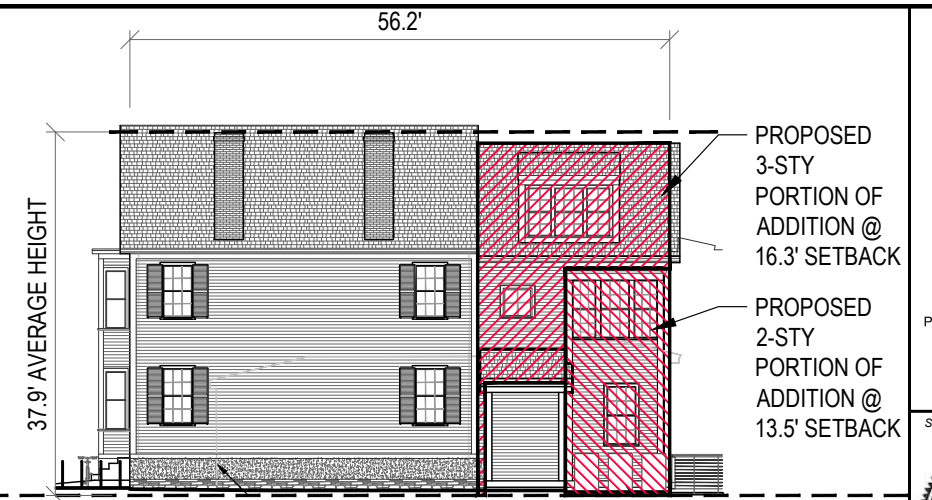
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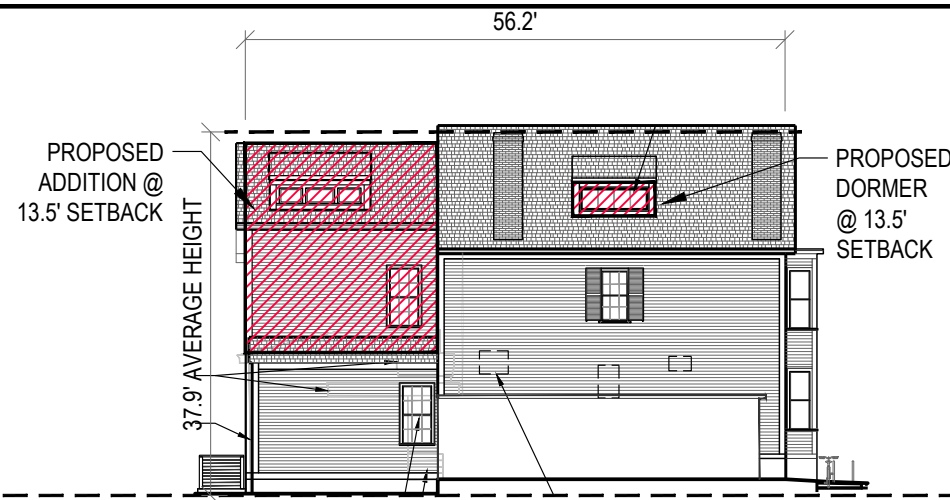
SHEET

Z-3



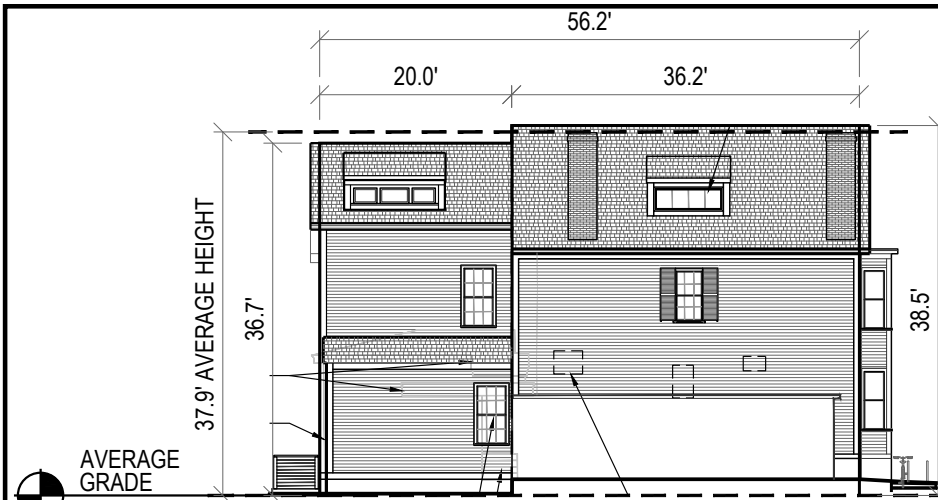
$$\frac{(37.9' + 56.2')}{(5+2)} = 13.4' \text{ MIN SIDE YARD}$$

3a SINGLE PLANE, RIGHT
SCALE: 1" = 20'-0"



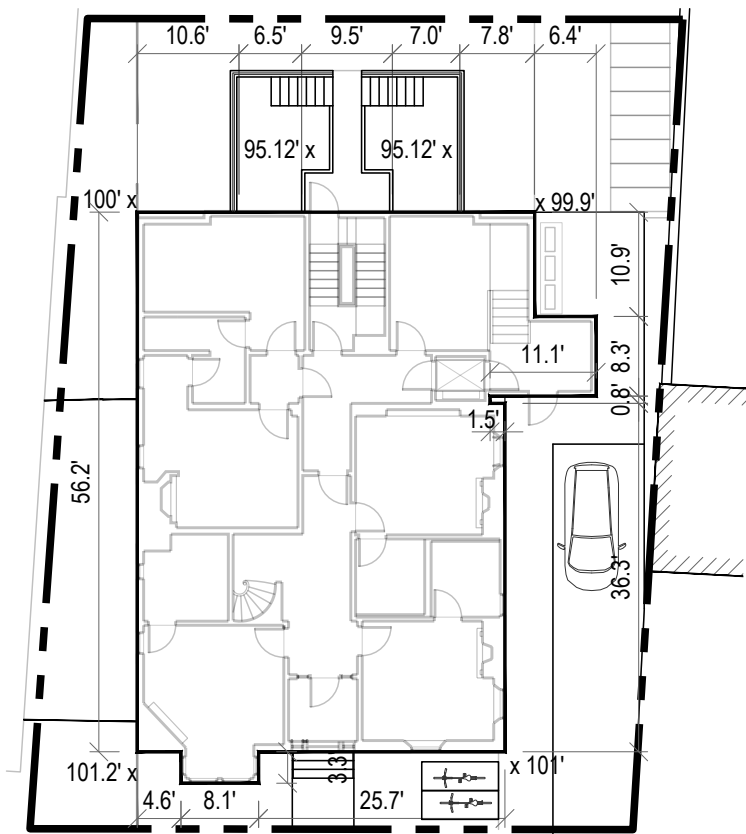
$$\frac{(37.9' + 56.2')}{(5+2)} = 13.4' \text{ MIN SIDE YARD}$$

3b SINGLE PLANE, LEFT
SCALE: 1" = 20'-0"



$$\frac{(36.7' \times 20') + (38.5' \times 36.2')}{56.2'} = \frac{734' + 1,393.7'}{56.2'} = \frac{2,127.7'}{56.2'} = 37.9' \text{ AVE HEIGHT (SAME AS CALCULATED ON RIGHT ELEV)}$$

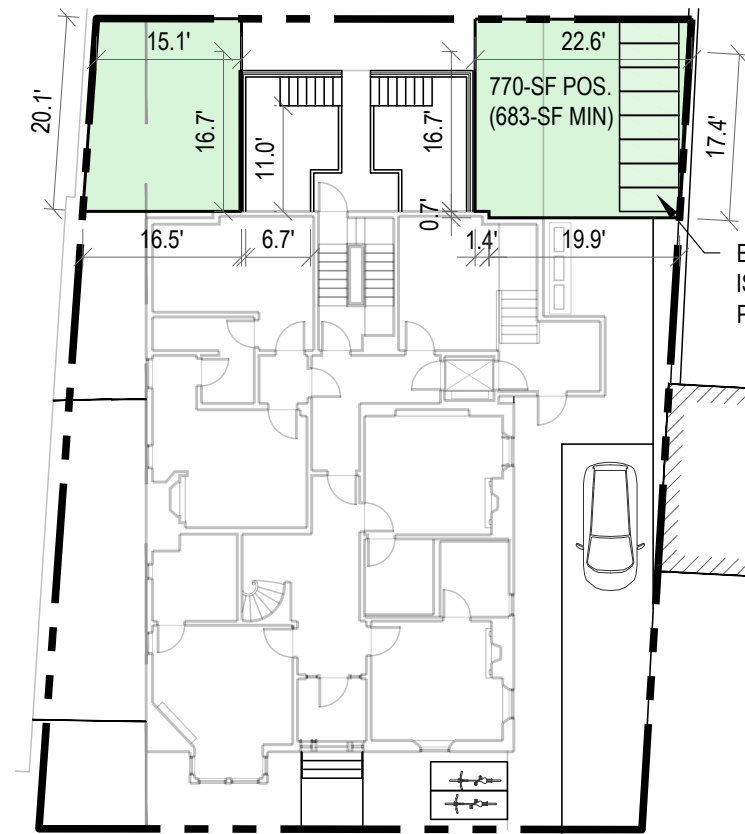
4 AVERAGE HEIGHT
SCALE: 1" = 20'-0"



$\frac{(100' + 99.9' + 101' + 101.2')}{4} = 100.5' \text{ EL AVG GRADE, NOT AT LIGHT WELLS}$	95.12' EL GRADE AT LIGHT WELLS
$\frac{(100.5' \text{ EL} \times 196.6 \text{ LF}) + (95.12' \text{ EL} \times 23 \text{ LF})}{219.6' \text{ TOTAL LF PERIMETER}} = 99.94' \text{ EL AVG GRADE FACTORING LIGHT WELLS}$	

2 AVERAGE GRADE
SCALE: 1" = 20'-0"

SPOT GRADES BASED ON TOPOGRAPHIC PLAN OF LAND BY SPRUHAN ENGINEERING, P.C., 80 JEWETT ST, STE 2, NEWTON, MA 02458.



$$\frac{770\text{-SF PRIVATE OPEN SPACE}}{4,551\text{-SF LOT AREA}} = 17\% \text{ PRIVATE OPEN SPACE PROPOSED}$$

1 PRIVATE OPEN SPACE
SCALE: 1" = 20'-0"



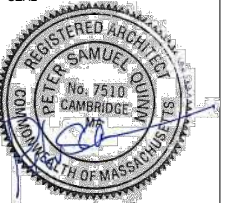
1 AERIAL VIEW FROM WEST
SCALE: NA

PETER QUINN ARCHITECTS

ARCHITECTURE
PLANNING
INTERIOR DESIGN

PETER QUINN ARCHITECTS LLC
259 ELM STREET, SUITE 301
SOMERVILLE, MA 02144
PH 617-354-3989

SEAL



CONSULTANT

PROJECT

**BZA APPLIC
REAR ADDITION
2 GARDEN ST**

2 GARDEN ST,
CAMBRIDGE, MA 02138

PREPARED FOR

**GARDEN LODGE
LLC.**

667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

3D VIEWS

SCALE AS NOTED

REVISION	DATE

BZA APPLIC	13 JUN 2023
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DRAWN BY MN / YC	REVIEWED BY PQ
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SHEET

A0.1



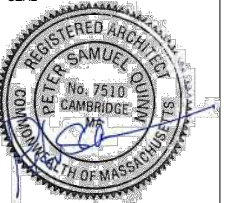
1 STREET ENTRY
SCALE: NA

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INTERIOR DESIGN

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PREPARED FOR

**GARDEN LODGE
LLC.**
667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

3D VIEWS

SCALE AS NOTED

REVISION	DATE
BZA APPLIC	13 JUN 2023
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SHEET

A0.3



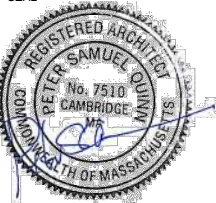
1 VIEW OF ADDITION FROM APPIAN WAY
SCALE: NA

**PETER
QUINN
ARCHI
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INTERIOR DESIGN

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**GARDEN LODGE
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667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

3D VIEWS

SCALE AS NOTED

REVISION	DATE

BZA APPLIC	13 JUN 2023
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SHEET	

A0.4

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ZBA APPLIC
REAR ADDITION
2 GARDEN ST

2 GARDEN ST,
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DRAWING TITLE

CONTEXT
SITE PLAN

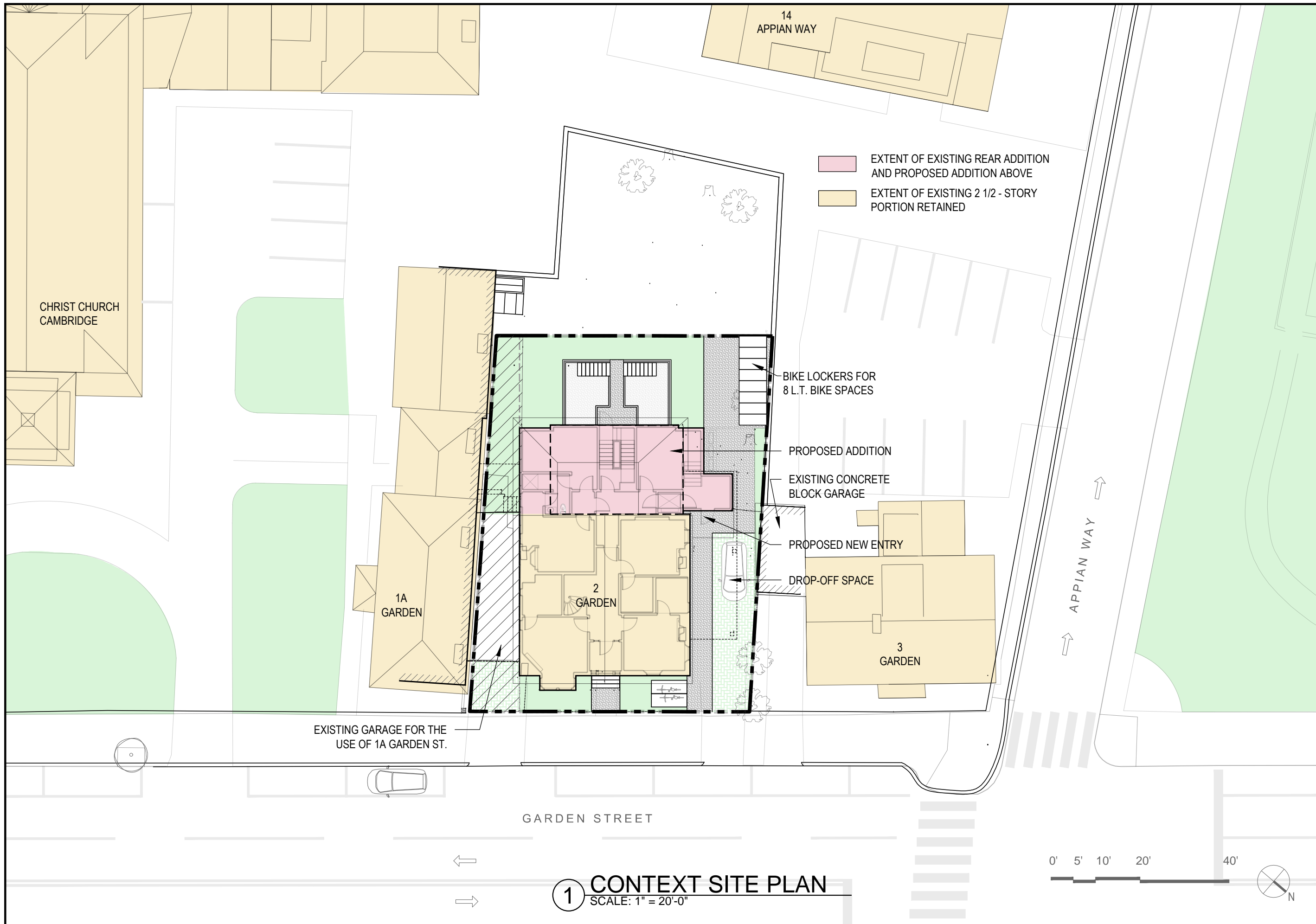
SCALE AS NOTED

REVISION	DATE

ZBA APPLIC	6 JUN 2023
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SHEET

AS-1



1 CONTEXT SITE PLAN
SCALE: 1" = 20'-0"

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DRAWING TITLE

BASEMENT
PLAN

SCALE AS NOTED

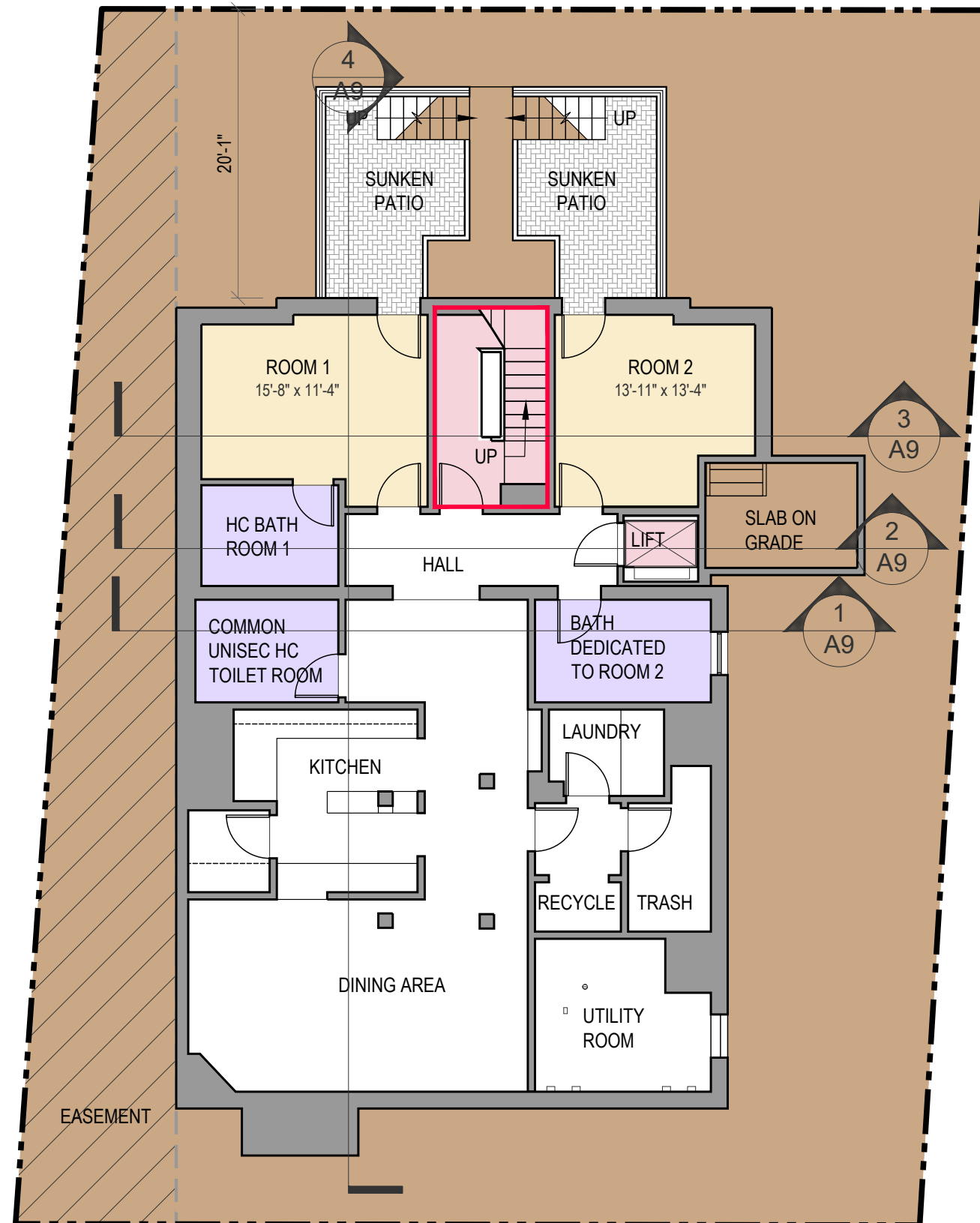
REVISION	DATE

BZA APPLIC	13 JUN 2023
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SHEET

A-1



FIRE RATED EGRESS ENCLOSURE

1 BASEMENT PLAN
SCALE: 1" = 10'-0"



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SOMERVILLE, MA 02143

DRAWING TITLE

FIRST FLOOR
PLAN

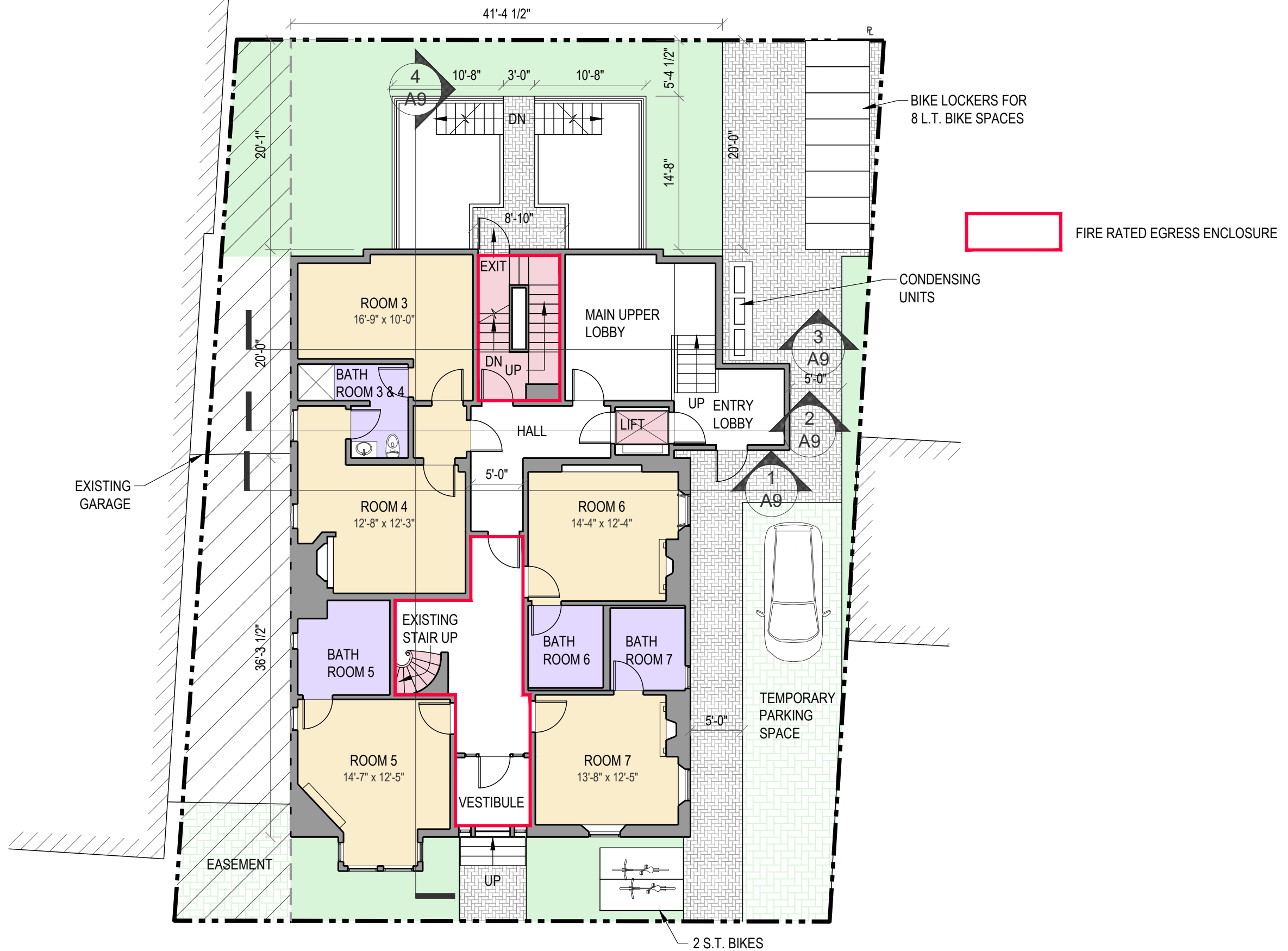
SCALE AS NOTED

REVISION	DATE

BZA APPLIC	13 JUN 2023
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SHEET

A-2



1 FIRST FLOOR PLAN
SCALE: 1" = 10'-0"

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DRAWING TITLE

SECOND
FLOOR PLAN

SCALE AS NOTED

REVISION	DATE

BZA APPLIC	13 JUN 2023
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SHEET

A-3



FIRE RATED EGRESS ENCLOSURE

1 SECOND FLOOR PLAN
SCALE: 1" = 10'-0"



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SOMERVILLE, MA 02143

DRAWING TITLE

THIRD FLOOR
PLAN

SCALE AS NOTED

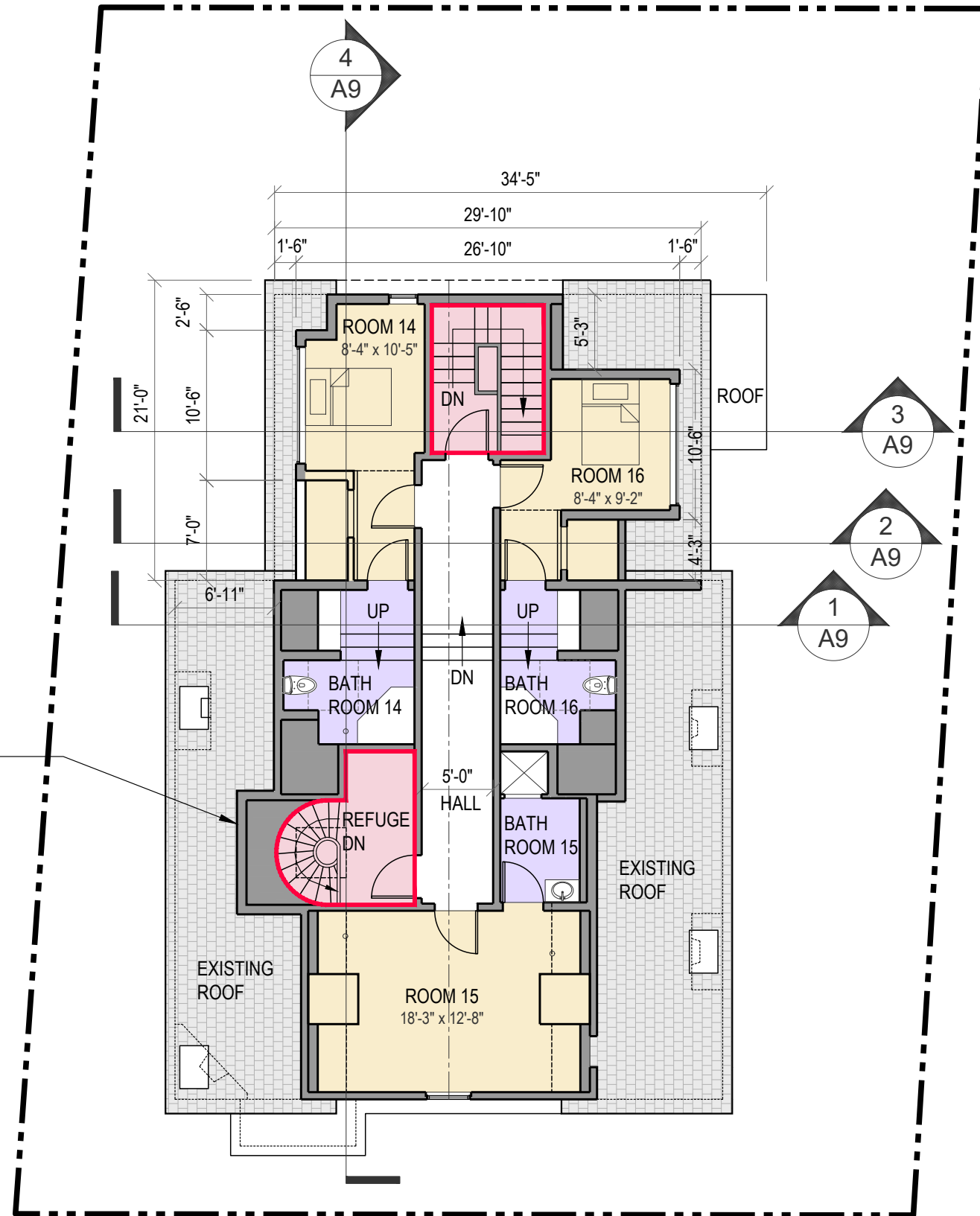
REVISION	DATE

BZA APPLIC	13 JUN 2023
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---------------------	-------------------

SHEET

A-4



 FIRE RATED EGRESS ENCLOSURE

DORMER PROPOSED AT
STAIR FOR HEADROOM
(NOT OPTIONAL)

1 THIRD FLOOR PLAN
SCALE: 1" = 10'-0"



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LLC.

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SOMERVILLE, MA 02143

DRAWING TITLE

FRONT
ELEVATION

SCALE AS NOTED

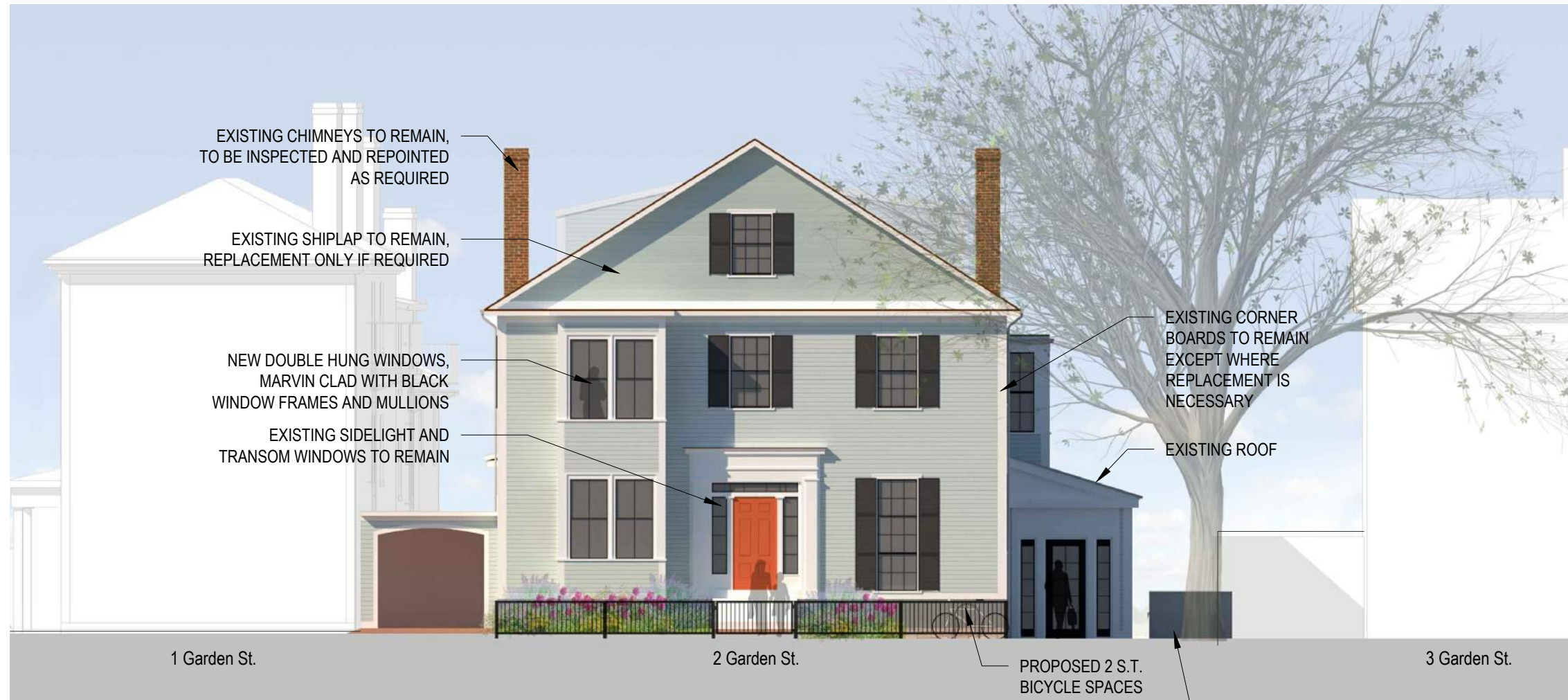
REVISION	DATE

BZA APPLIC	13 JUN 2023
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SHEET

A-5



1 FRONT ELEVATION
SCALE: 1" = 10'-0"



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LLC.
667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

LEFT
ELEVATION

SCALE AS NOTED

REVISION	DATE
BZA APPLIC	13 JUN 2023
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SHEET

A-6



Venting Approach

Kitchen:

Basement kitchen will have a standard electric residential grade stove and oven unit to be vented with 6" Dia. vent line through western facing roof of the addition, or alternatively out the rear façade of the new addition at the first-floor level depending on fan strength and manufactures recommendations.

Bathrooms:

Soil line vents will utilize existing roof vents to the degree possible. When not feasible, new soil vent lines will be located on the western facing roof of the new addition.

Room vents will be combined to the extent possible and vented through the western facing roof of the new addition. In line fans will be utilized as needed to provide suitable air change.

1 LEFT ELEVATION
SCALE: 1" = 10'-0"



SEAL



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REAR ADDITION
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2 GARDEN ST,
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PREPARED FOR

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LLC.
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SOMERVILLE, MA 02143

DRAWING TITLE

REAR
ELEVATION

SCALE AS NOTED

REVISION	DATE
BZA APPLIC	13 JUN 2023
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SHEET

A-7



1 REAR ELEVATION
SCALE: 1" = 10'-0"



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2 GARDEN ST,
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667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

RIGHT
ELEVATION

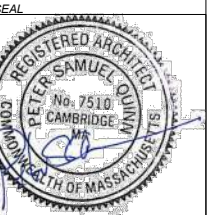
SCALE AS NOTED

REVISION	DATE
BZA APPLIC	13 JUN 2023
DRAWN BY MN / YC	REVIEWED BY PQ
SHEET	

A-8



1 RIGHT ELEVATION
SCALE: 1" = 10'-0"



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2 GARDEN ST
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SOMERVILLE, MA 02143

DRAWING TITLE

BUILDING
SECTION

SCALE AS NOTED

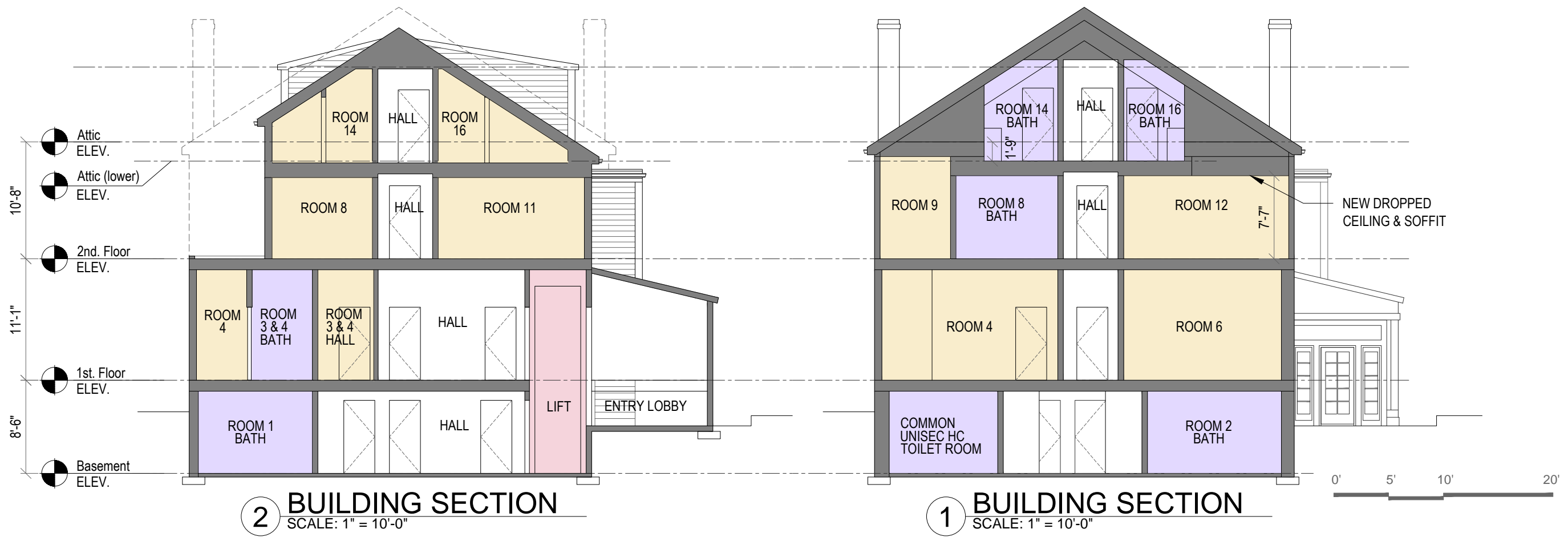
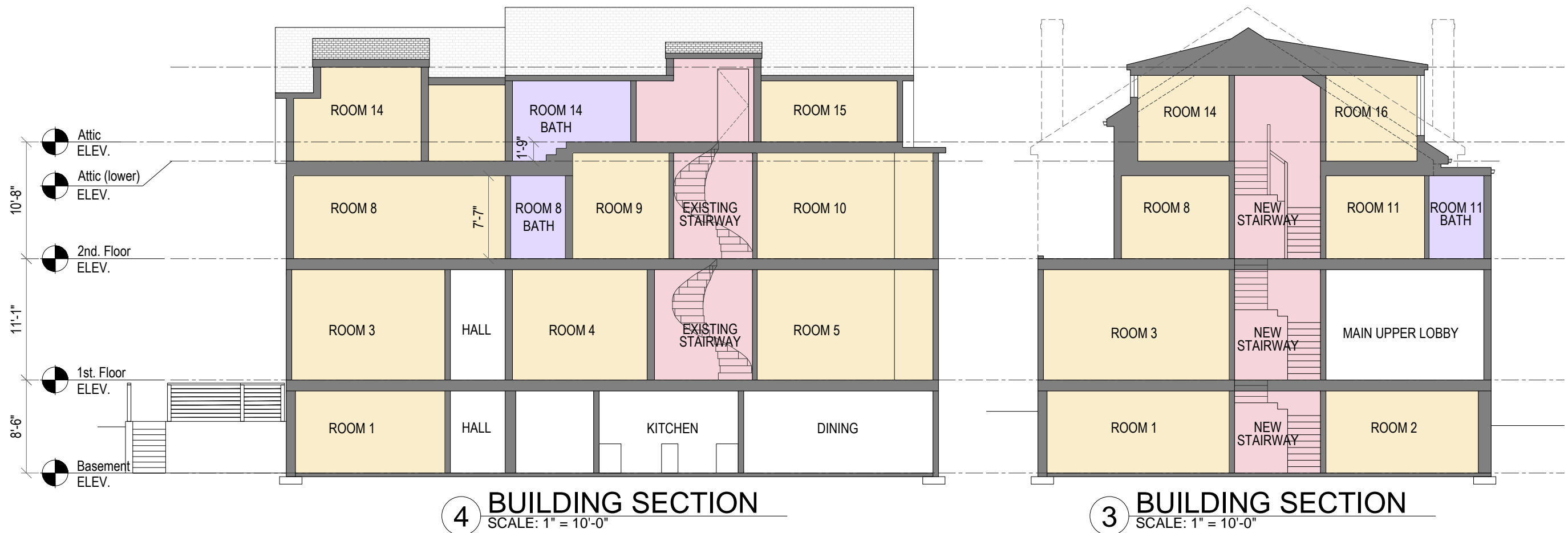
REVISION	DATE

BZA APPLIC 13 JUN 2023

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SHEET

A-9



C:\Users\User1\Desktop\POA - Garden\2\02 Schematic Design\Garden 2 - Sections.dwg, AB, 6/17/2023 4:19:38 PM

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**BZA APPLIC
REAR ADDITION
2 GARDEN ST**

2 GARDEN ST,
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PREPARED FOR

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LLC.**

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SOMERVILLE, MA 02143

DRAWING TITLE

**EXISTING
BASEMENT &
FIRST FLOOR
PLANS**

SCALE AS NOTED

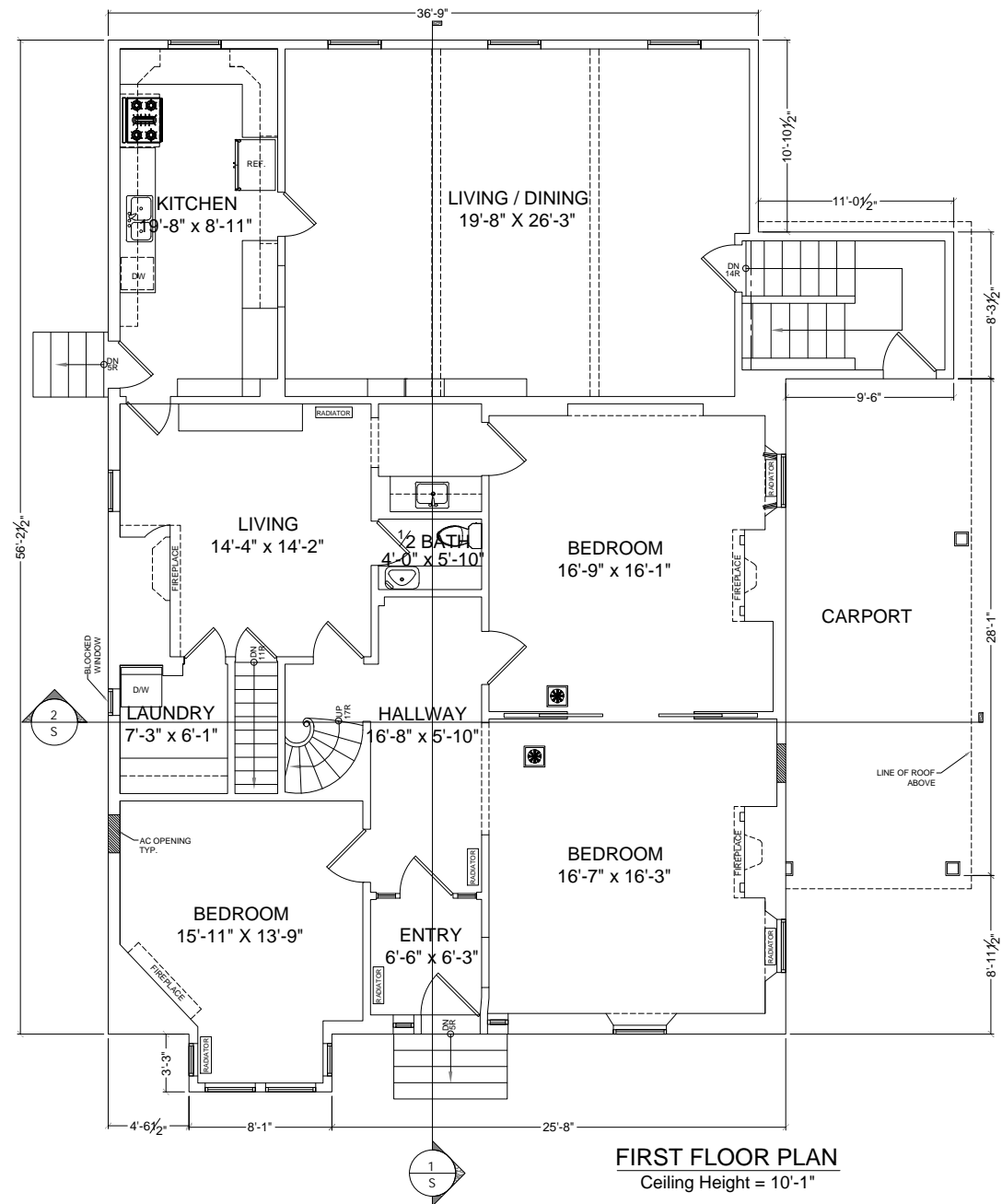
REVISION	DATE

BZA APPLIC	13 JUN 2023
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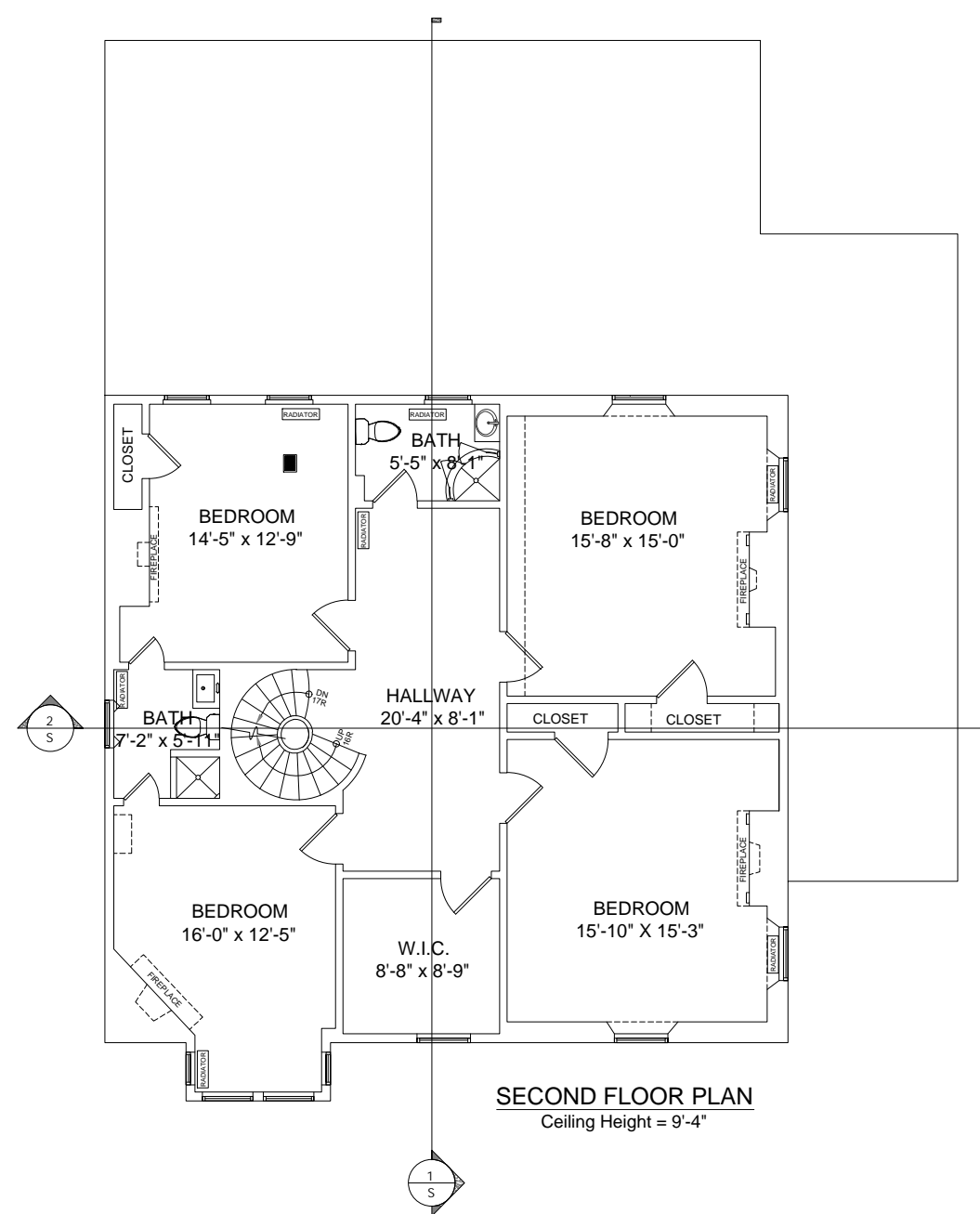
DRAWN BY	REVIEWED BY
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SHEET

EC-1



EXISTING CONDITIONS PLANS			1
JOB NO.	DATE: AUGUST 2022	SCALE: 1/10" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		2 GARDEN STREET CAMBRIDGE, MA	



EXISTING CONDITIONS PLANS			2
JOB NO.	DATE: AUGUST 2022	SCALE: 1/10" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		2 GARDEN STREET CAMBRIDGE, MA	

SEAL



CONSULTANT

PROJECT

**BZA APPLIC
REAR ADDITION
2 GARDEN ST**

2 GARDEN ST,
CAMBRIDGE, MA 02138

PREPARED FOR

**GARDEN LODGE
LLC.**

667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

**EXISTING
SECOND &
THIRD FLOOR
PLANS**

SCALE AS NOTED

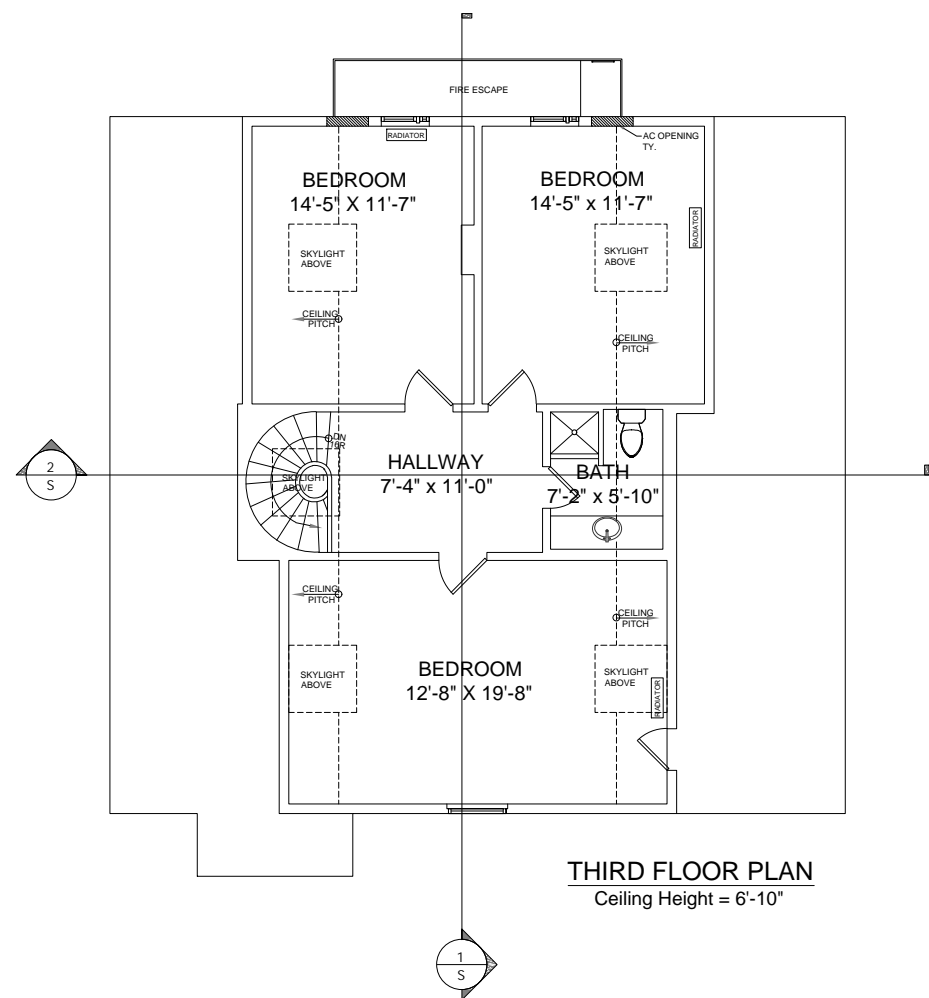
REVISION	DATE

BZA APPLIC	13 JUN 2023
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DRAWN BY	REVIEWED BY
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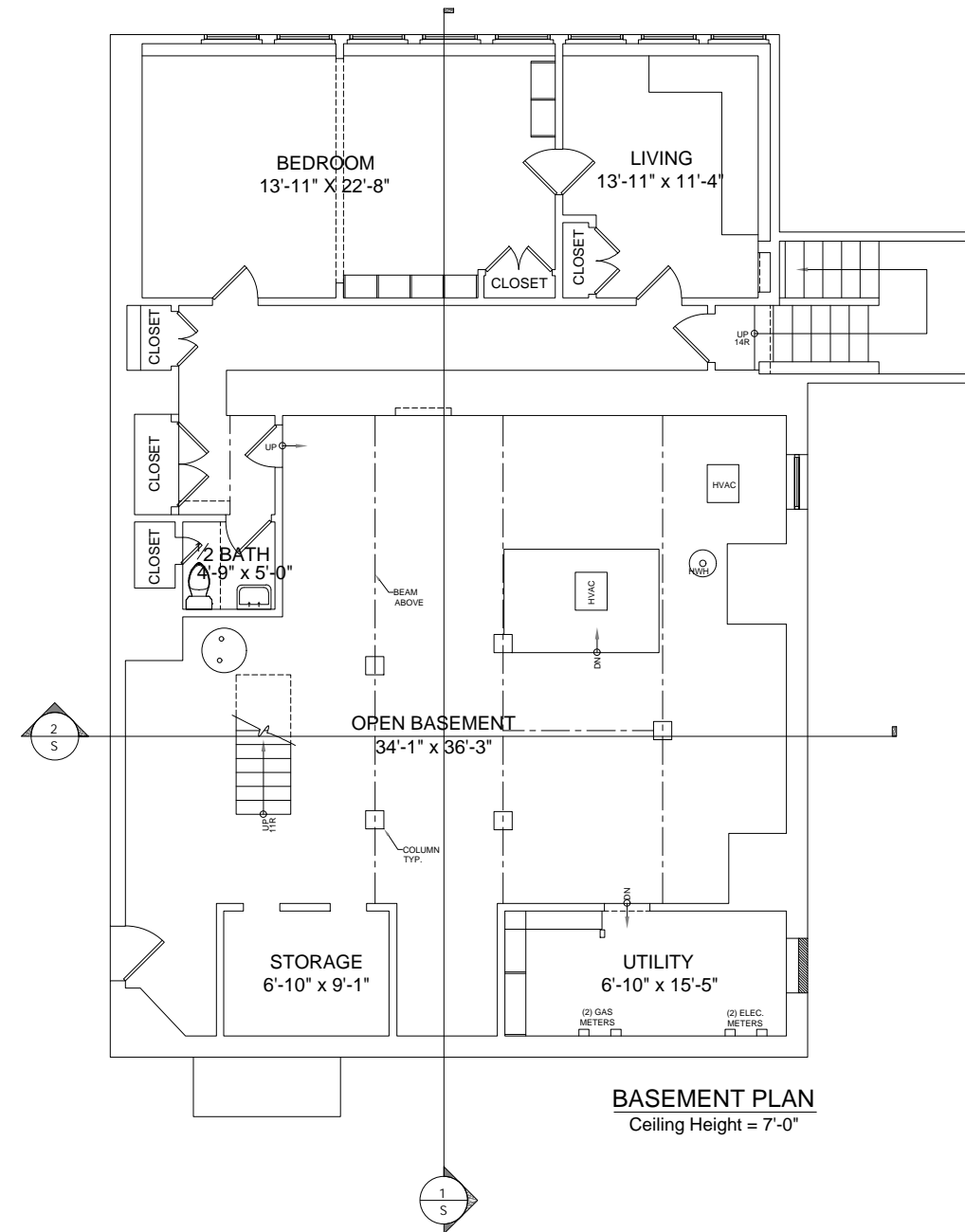
SHEET

EC-2



THIRD FLOOR PLAN
Ceiling Height = 6'-10"

EXISTING CONDITIONS PLANS			3
JOB NO.	DATE: AUGUST 2022	SCALE: 1/10" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		2 GARDEN STREET CAMBRIDGE, MA	



BASEMENT PLAN
Ceiling Height = 7'-0"

EXISTING CONDITIONS PLANS			4
JOB NO.	DATE: AUGUST 2022	SCALE: 1/10" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		2 GARDEN STREET CAMBRIDGE, MA	

SEAL



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REAR ADDITION
2 GARDEN ST**

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PREPARED FOR

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LLC.**

667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

**EXISTING
FRONT &
RIGHT
ELEVATIONS**

SCALE AS NOTED

REVISION	DATE

BZA APPLIC	13 JUN 2023
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SHEET

EC-3



FRONT ELEVATION



RIGHT ELEVATION

EXISTING CONDITIONS PLANS			5
JOB NO.	DATE: AUGUST 2022	SCALE: 1/10" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		2 GARDEN STREET CAMBRIDGE, MA	

EXISTING CONDITIONS PLANS			6
JOB NO.	DATE: AUGUST 2022	SCALE: 1/10" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		2 GARDEN STREET CAMBRIDGE, MA	

SEAL



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PREPARED FOR

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SOMERVILLE, MA 02143

DRAWING TITLE

**EXISTING
REAR & LEFT
ELEVATIONS**

SCALE AS NOTED

REVISION	DATE

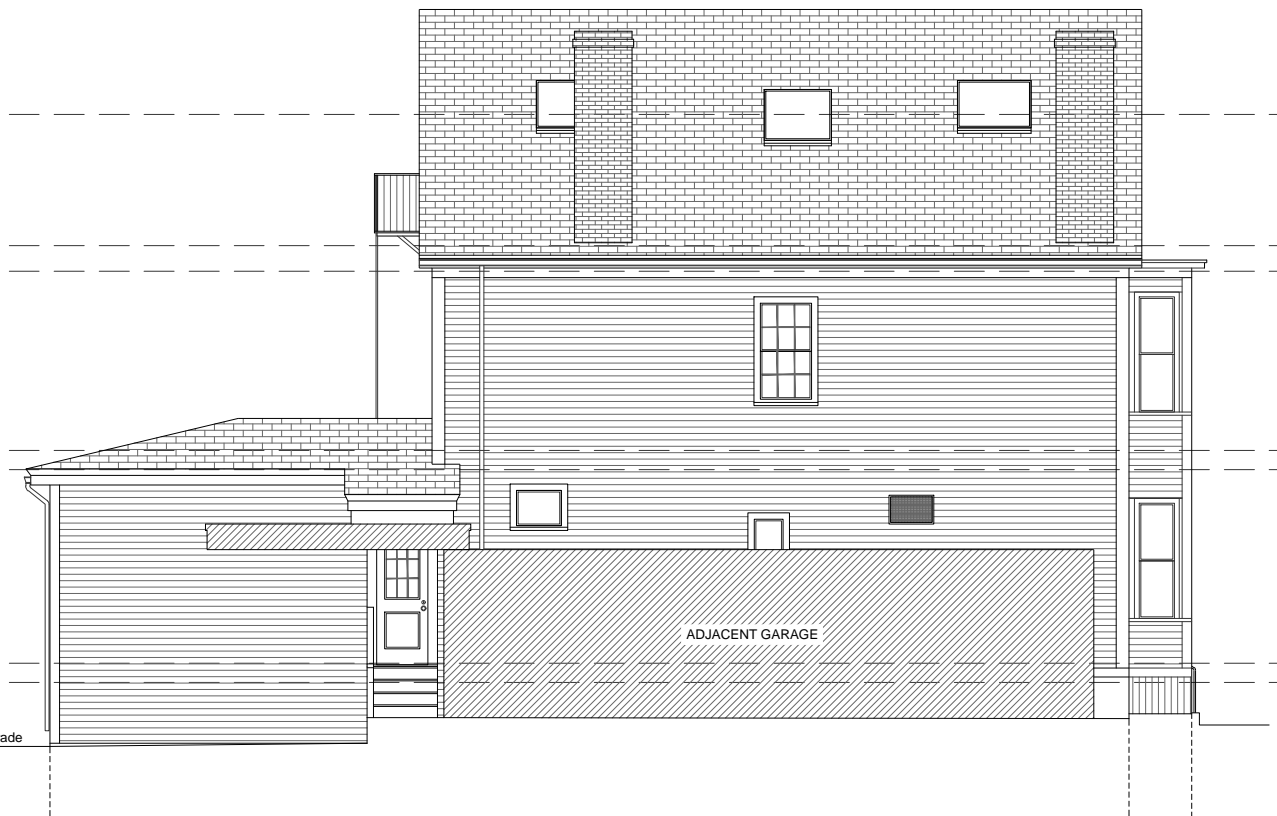
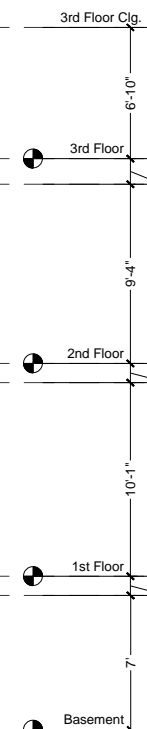
BZA APPLIC	13 JUN 2023
DRAWN BY	REVIEWED BY

SHEET

EC-4



REAR ELEVATION



LEFT ELEVATION

EXISTING CONDITIONS PLANS			7
JOB NO.	DATE: AUGUST 2022	SCALE: 1/10" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		2 GARDEN STREET CAMBRIDGE, MA	

EXISTING CONDITIONS PLANS			8
JOB NO.	DATE: AUGUST 2022	SCALE: 1/10" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		2 GARDEN STREET CAMBRIDGE, MA	

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REAR ADDITION
2 GARDEN ST**

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LLC.**

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SOMERVILLE, MA 02143

DRAWING TITLE

**EXISTING
BUILDING
SECTIONS**

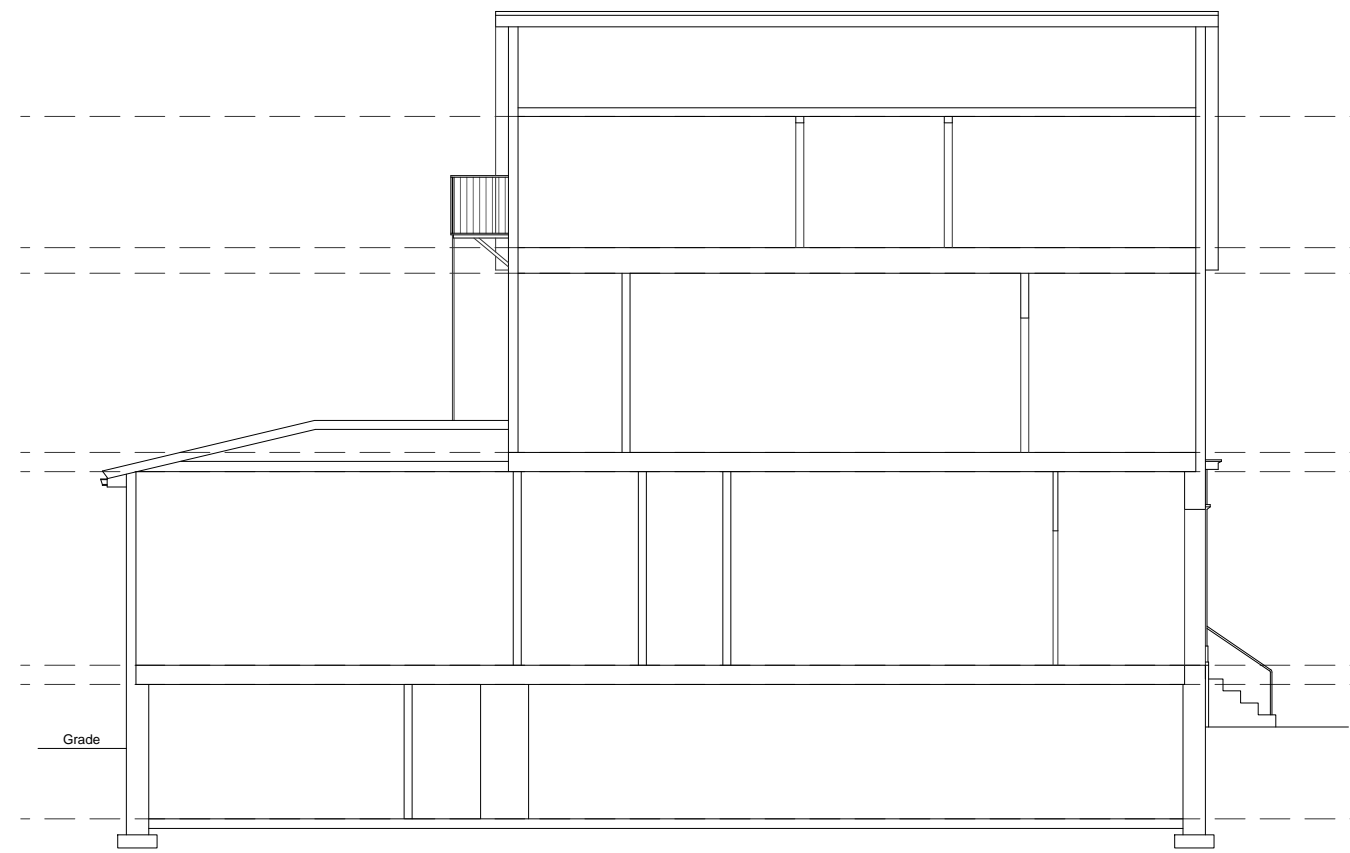
SCALE AS NOTED

REVISION	DATE

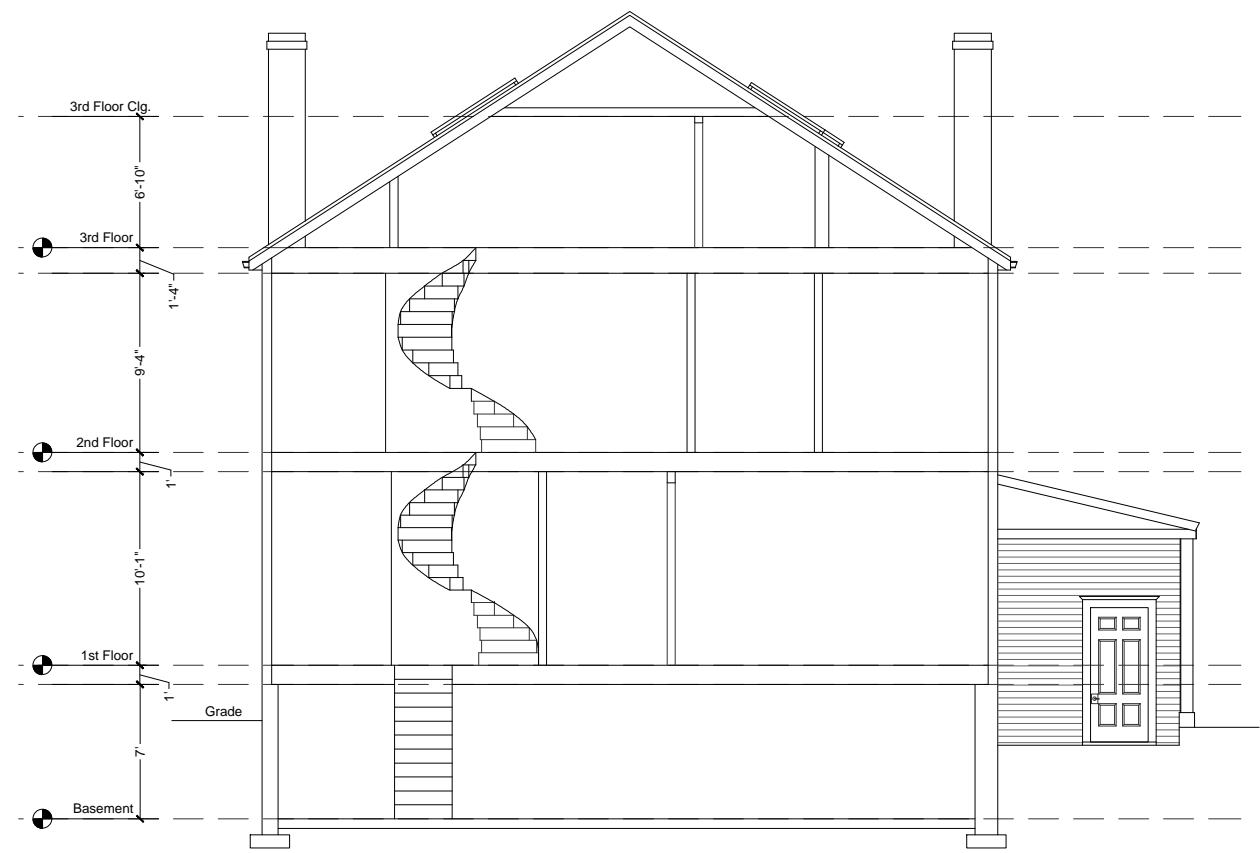
BZA APPLIC	13 JUN 2023
DRAWN BY	REVIEWED BY

SHEET

EC-5



SECTION -1



SECTION -2

EXISTING CONDITIONS PLANS			9
JOB NO.	DATE: AUGUST 2022	SCALE: 1/10" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		2 GARDEN STREET CAMBRIDGE, MA	

EXISTING CONDITIONS PLANS			10
JOB NO.	DATE: AUGUST 2022	SCALE: 1/10" = 1'-0"	
NATIONAL FLOOR PLANS 398 COLUMBUS AVENUE SUITE 100 BOSTON MA 02116 800.328.0217 TEL		2 GARDEN STREET CAMBRIDGE, MA	



VIEW 1 - STREET VIEW FROM GARDEN STREET



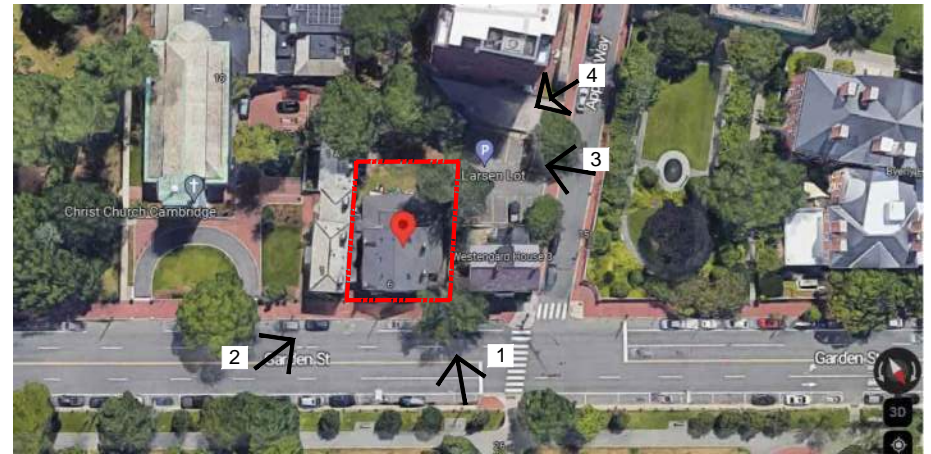
VIEW 2 - STREET VIEW FROM GARDEN STREET



VIEW 3 - STREET VIEW FROM APPIAN WAY LOOKING IN REAR YARD

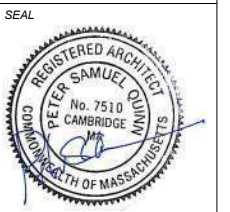


VIEW 4 - AERIAL VIEW LOOKING WEST



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 PH 617-354-3889



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 REAR ADDITION
 2 GARDEN ST**
 2 GARDEN ST,
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PREPARED FOR
**GARDEN LODGE
 LLC.**
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 SOMERVILLE, MA 02143

DRAWING TITLE
**EXISTING
 PHOTOS**

SCALE AS NOTED

REVISION	DATE
BZA APPLIC	13 JUN 2023
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-	PQ

SHEET
EC-6

Proposed Addition

9:00 AM



Proposed Addition

12:00 PM



Proposed Addition

3:00 PM



Existing Condition

9:00 AM



Existing Condition

12:00 PM



Existing Condition

3:00 PM



SHADOW STUDY - SPRING / FALL EQUINOX (March 21 / September 21)



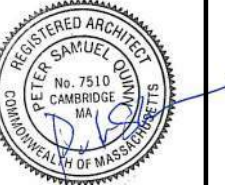
ADDITIONAL SHADOW

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DRAWING TITLE

SHADOW STUDY
- SPRING / FALL

SCALE AS NOTED

REVISION	DATE

BZA APPLIC 13 JUN 2023

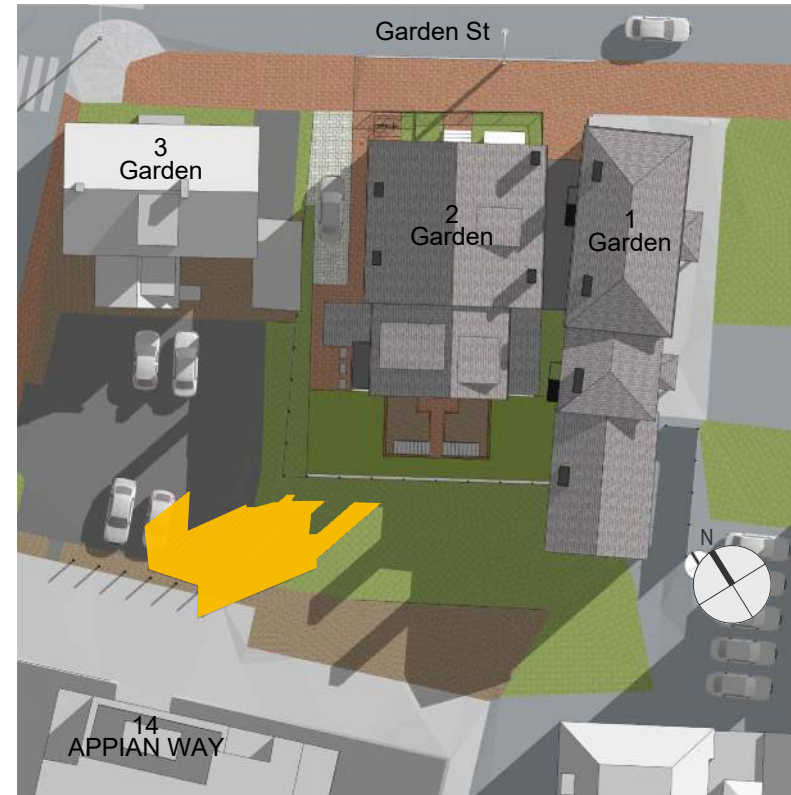
DRAWN BY MN / YC REVIEWED BY PQ

SHEET

SH-1

Proposed Addition

9:00 AM



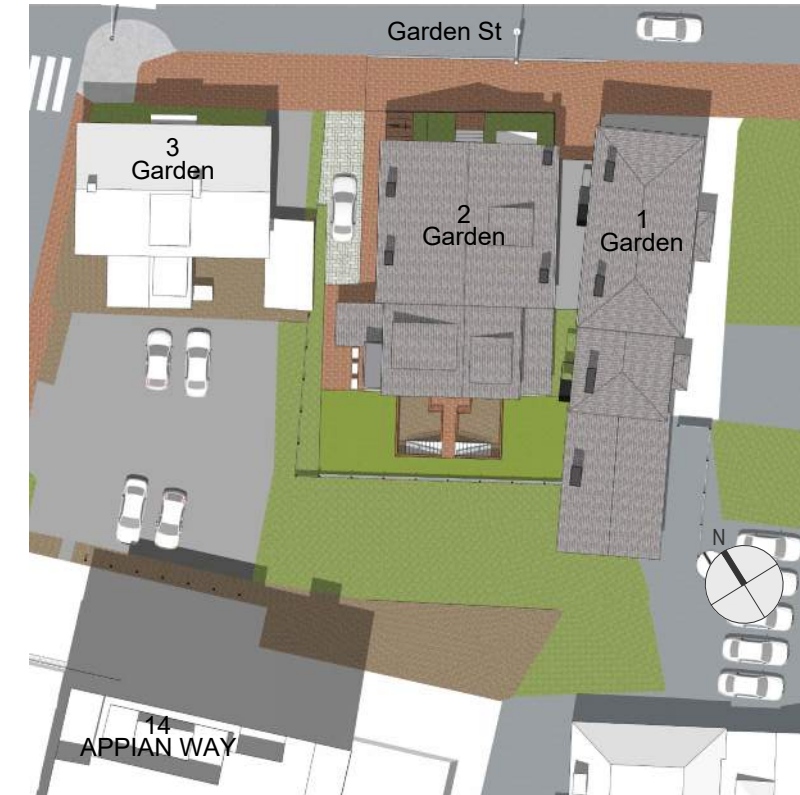
Proposed Addition

12:00 PM



Proposed Addition

3:00 PM



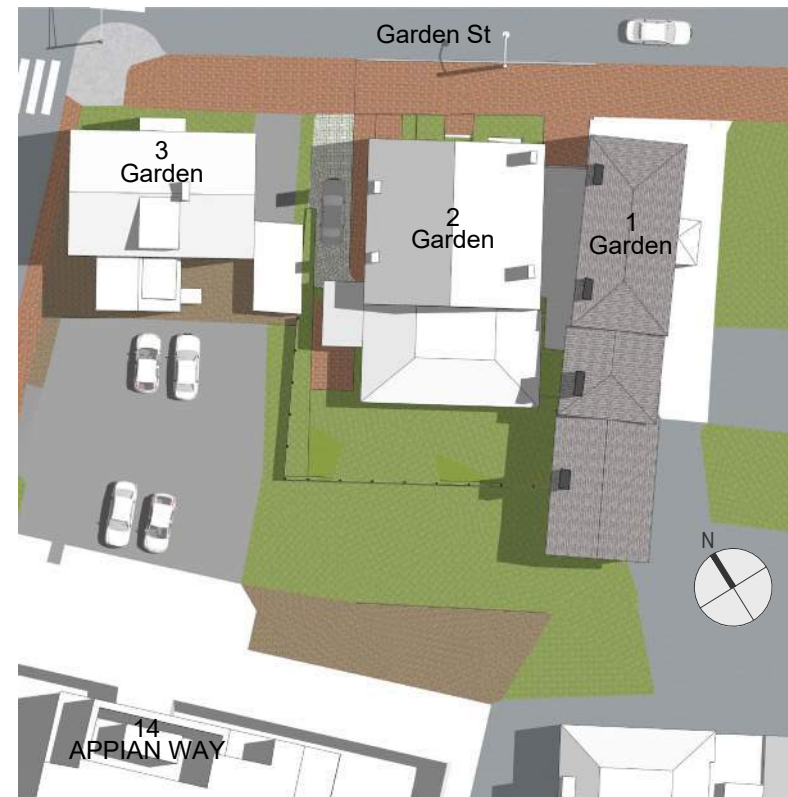
Existing Condition

9:00 AM



Existing Condition

12:00 PM



Existing Condition

3:00 PM



SHADOW STUDY - SUMMER (June 21)



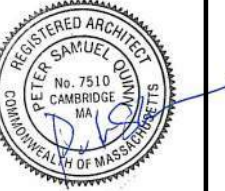
ADDITIONAL SHADOW

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DRAWING TITLE

SHADOW STUDY
- SUMMER

SCALE AS NOTED

REVISION	DATE

BZA APPLIC 13 JUN 2023

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SHEET

SH-2

Proposed Addition

9:00 AM



Proposed Addition

12:00 PM



Proposed Addition

3:00 PM



Existing Condition

9:00 AM



Existing Condition

12:00 PM



Existing Condition

3:00 PM



SHADOW STUDY - WINTER (December 21)



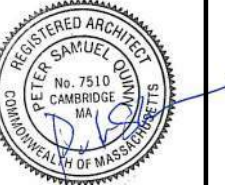
ADDITIONAL SHADOW

PETER QUINN ARCHITECTS

ARCHITECTURE
PLANNING
INTERIOR DESIGN

PETER QUINN ARCHITECTS LLC
259 ELM STREET, SUITE 301
SOMERVILLE, MA 02144
PH 617-354-3989

SEAL



CONSULTANT

PROJECT

BZA APPLIC
REAR ADDITION
2 GARDEN ST

2 GARDEN ST,
CAMBRIDGE, MA 02138

PREPARED FOR

GARDEN LODGE
LLC.

667 SOMERVILLE AVE.
SOMERVILLE, MA 02143

DRAWING TITLE

SHADOW STUDY
- WINTER

SCALE AS NOTED

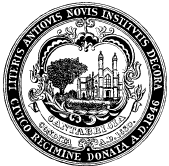
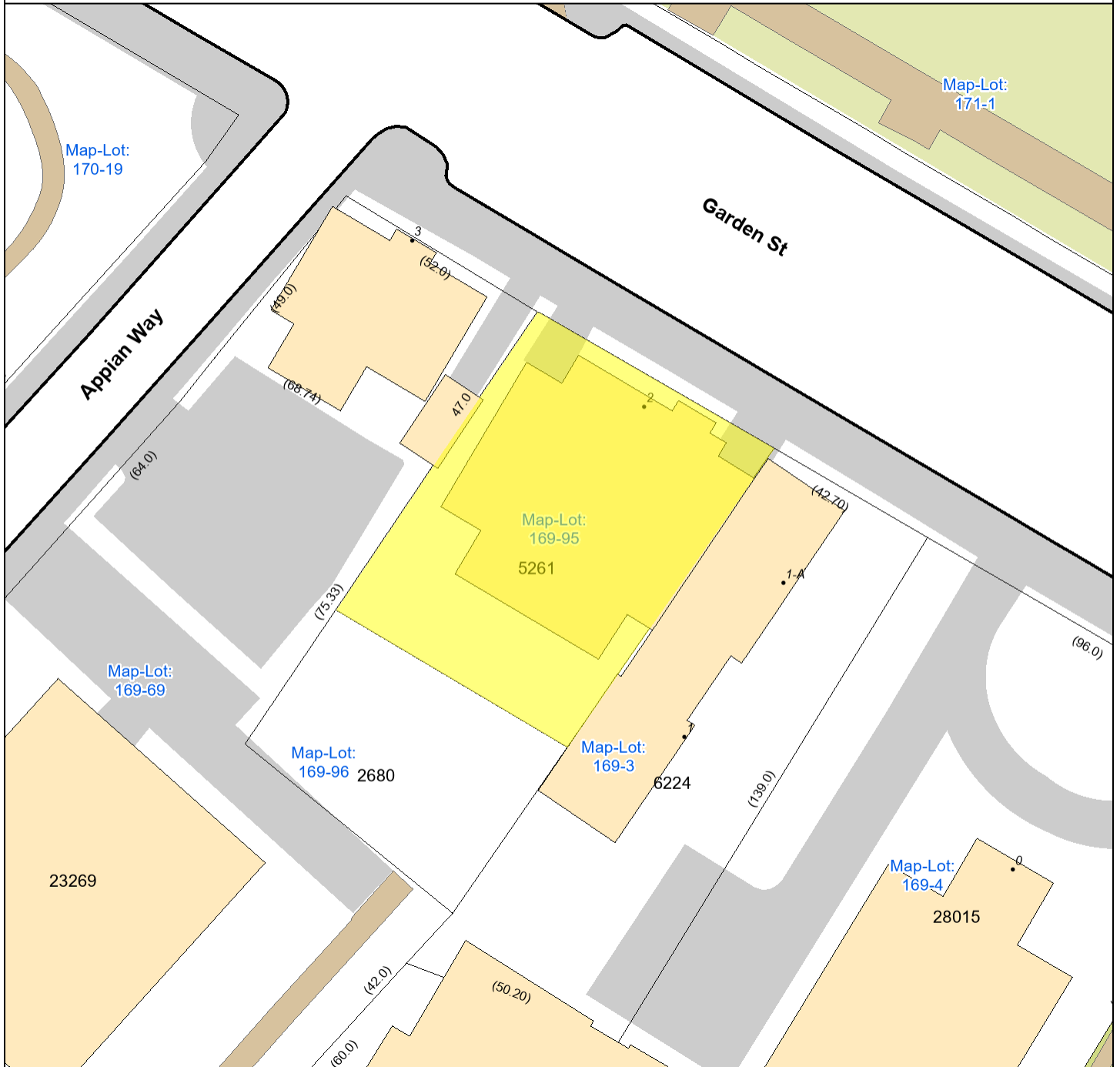
REVISION	DATE

BZA APPLIC 13 JUN 2023

DRAWN BY MN / YC REVIEWED BY PQ

SHEET

SH-3



City of Cambridge
Massachusetts

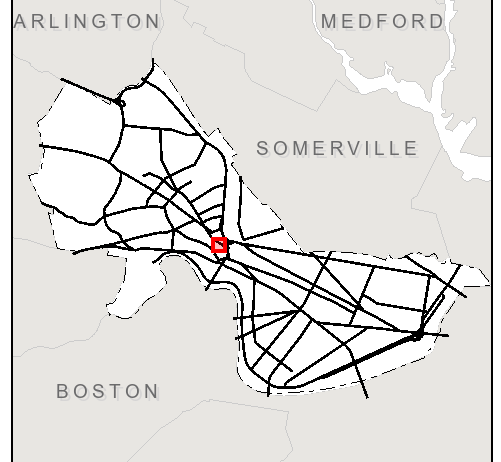
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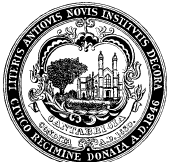
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 - Unpaved Roads
 - Unpaved Parking
 - Sidewalks
 - Driveways
 - Alleys
 - Other Paved Surface
 - Public Footpath





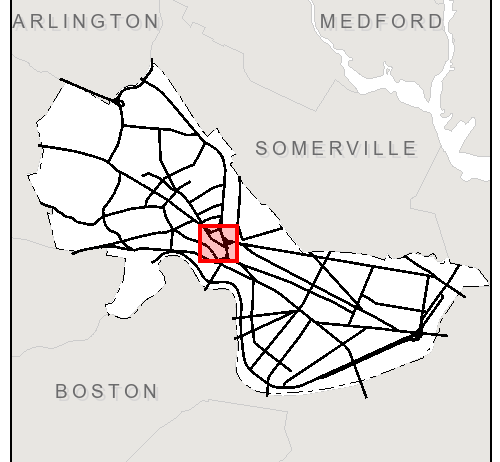
City of Cambridge
Massachusetts

1" = 278 ft

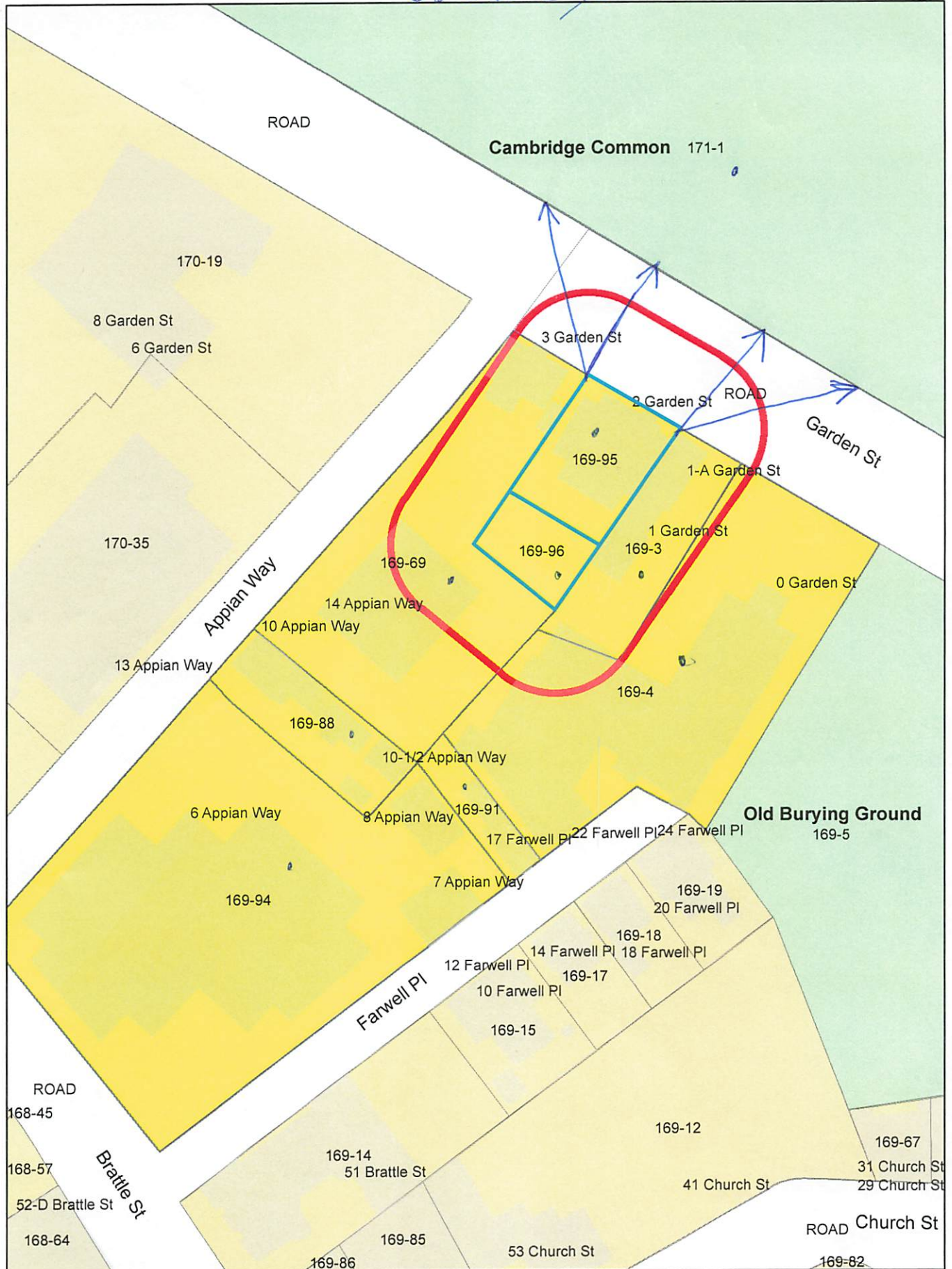
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- Rail
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 - Unpaved Roads
 - Unpaved Parking
 - Sidewalks
 - Driveways
 - Alleys
 - Other Paved Surface
 - Public Footpath



2 Garden St.



1 Garden St.

Petitioner

169-3
CHRIST CHURCH OF CAMBRIDGE
C/O TREASURER
1 GARDEN STREET
CAMBRIDGE, MA 02138-3631

169-3-4-91-96
CHRIST CHURCH OF CAMBRIDGE
C/O TREASURER
1 GARDEN STREET
CAMBRIDGE, MA 02138-3631

TRILOGY LAW LLC
C/O SARAH L. RHATIGAN, ESQ.
12 MARSHALL STREET
BOSTON, MA 02108

171-1
CITY OF CAMBRIDGE
C/O YI-AN HUANG
CITY MANAGER

171-1
CITY OF CAMBRIDGE
C/O NANCY GLOWA
CITY SOLICITOR

171-1
CAMBRIDGE CITY OF PWD
147 HAMPSHIRE ST
CAMBRIDGE, MA 02139

169-69-94
PRESIDENT & FELLOWS OF HARVARD COLLEGE
HOLYOKE CENTER, ROOM 1000
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138-3895

169-88
ALFARO, GUSTAVO A. & ROSANNA Y. ALFARO
10 APPIAN WAY
CAMBRIDGE, MA 02138-3704

169-95
GARDEN LODGE LLC
C/O MATTHEW MOORE, MANAGER
667 SOMERVILLE AVE
SOMERVILLE, MA 02143

July 6, 2023

Dear BZA Members:

My name is Craig Kelley. I am the attorney representing Christ Church Cambridge (CCC), where I am also a parishioner. CCC, located at 0 Garden Street, is an immediate abutter to the proposed project site at 2 Garden Street.

On behalf of CCC, I am expressing my client's opposition to Special Permit application BZA-228569 for Two Garden Street and pointing out that the proposed use, as an alleged lodging house, neither correctly describes the proposal nor is it an as-of-right use for this site.

I may not be able to participate in the Zoom hearing for this case so please enter the communication into the record as CCC's comments on the application.

The Petitioner, Garden Lodge LLC, would like to turn Two Garden Street into what they call a 'lodging house' with 16 rooms. They claim this is an as-of-right use and that they do not need the Special Permit required for hotels and motels under Footnote 7(C) to the Cambridge Zoning Code's table of uses. They are wrong. The Table of Uses allows hotels, motels and lodging houses in a C-2 district but each of these uses refers to footnote 7. In a scrivener's error, the term "lodging house" is not mentioned in footnote 7 but both hotels and motels outside of certain overlay districts are required to get a Special Permit for those uses. Clearly a 16-room lodging house, operating exactly as a boutique hotel would, requires the same level of regulatory oversight and approval to ensure maximum safety and comfort for both the customers and the neighbors.

I am working, independent of CCC, to fix this scrivener's error through a zoning amendment, but regardless of a zoning change, state law makes it clear that this proposed 'lodging house' is not, in fact, a lodging house. Under the Massachusetts building code (the IBC with Massachusetts amendments) definitions, a 'lodging house' is "A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms." Section 310.5.2, dealing with Residential Group R-3, describes "Lodging houses" as being owner-occupied with five or fewer guest rooms. This language is specially aimed at people who find themselves with a few extra rooms in their home when, for example, the kids move away and they'd like to rent them to long-term lodgers. That is what we all know to be a lodging house.

The 2 Garden Street proposal has 16 guest rooms. It won't be owner-occupied. The occupants will be transients who are attending a reunion or visiting their kids who are students at Harvard. It simply does not meet the state's definition of "lodging house." It doesn't meet a commonsense definition of "lodging house." Instead, it is more of a boarding house with 10 or more transient occupants or a hotel or motel for transients, all of which fall into Residential Group R-1. There is a reason that transient lodging of the size for 2 Garden Street falls into a different category and requires a different approval process than a true lodging house. 32 strangers in an unfamiliar building in an unfamiliar city with unfamiliar neighbors present a host of predictable safety and comfort challenges that only a very specific review can address and mitigate. Regulatory programs like the building code and Footnote 7 of Cambridge's Zoning Code exist to alleviate problematic construction and operation. The proponents are trying to avoid this important regulatory review and also avoid Cambridge's Short-Term Rental regulations by incorrectly claiming their proposal is a lodging house. In mis-classifying their proposal, they are potentially putting everyone who stays in their proposed building, as well as my clients just a few feet away at 0 Garden Street, in impermissible and avoidable danger.

The Cambridge Zoning Code does have its own definition of 'lodging house' that is different from the State's definition. Where there is conflict between local and state laws, 780 CMR, §102.2.2 specifically says that the building code trumps local bylaws unless the local bylaw is more restrictive and is justified for being that way. The Cambridge definition of "lodging house" is less restrictive than the state's definition and thus is not relevant for this proposal. Here is the CMR language:

102.2 Other Laws. The provisions of 780 CMR do not purport to override or nullify any provision of state or federal law. The Massachusetts General Laws and the Code of Massachusetts Regulations are often referenced throughout 780 CMR. It is the code user's responsibility to determine all applicable laws and regulations relevant to 780 CMR or any portion thereof.

102.2.1 DDS Facilities. Additional building features required by the Massachusetts Department of Developmental Services (DDS) do not change the classification of residences operated or licensed by DDS as dwellings subject to 780 CMR 51.00: *Massachusetts Residential Code*.

102.2.2 Municipal Bylaws or Ordinances. 780 CMR applies state-wide, When municipal bylaws and ordinances conflict with 780 CMR, 780 CMR shall govern unless the bylaws or ordinances were promulgated in accordance with M.G.L. c. 143, § 98.

And here is MGL Chapter 143, §98:

Section 98. The board of selectmen in a town or the mayor in a city may recommend to the board the adoption of rules and regulations imposing more restrictive standards than those established by the state building code for construction, alteration, repair, demolition, and removal in such a city or town. If the board finds that more restrictive standards are reasonably necessary because of special conditions prevailing within such city or town and that such standards conform with accepted national and local engineering and fire prevention practices, with public safety and with the general purposes of a statewide building code, the board may, after notice to said board of selectmen or mayor, and after a public hearing, adopt rules and regulations, impose conditions in connection with the adoption thereof and terminate such rules and regulations at such time and in such manner as the board may deem necessary, desirable or proper.

Notwithstanding the foregoing, a city or town which is not served by a municipal water system may, with the approval of the board, adopt rules and regulations with regard to fire protection systems which are more restrictive than those established by the state building code; provided, however, that if the board does not issue a written decision within forty-five days of receipt of such proposed rules and regulations then they shall be deemed to have been approved by the board.

Thus it is clear that, under the State law that governs this issue, the proponents are not building a lodging house. They are proposing a hotel or motel. No agency in the City of Cambridge may grant them a permit to so without, as our zoning requires, a Special Permit for the proposed use.

Taking the logical next step from this proposal, almost any property owner in a Residential C district would be able to circumvent all manner of Cambridge's zoning and housing policies by simply calling a residential project a 'lodging house,' regardless of its size or how it operates. Approving this application would set a very bad precedent in this regard.

We ask that the BZA deny this application and direct the proponents to either change their project to something that does not require additional permitting or to apply for the permits that their current proposal does require.

Please feel free to contact me with any questions or comments.

Craig A. Kelley, Esq.

6 Saint Gerard Terrace

Cambridge, MA 02140

617-631-4224 c.

617-507-8143 f.

Craig@UrbanCoreStrategies.com



Christ Church
Zero Garden Street | Cambridge, MA 02138
617-876-0200 | www.cccambridge.org
Office@cccbridge.org



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: Maria Miron Date: 6.26.23
(Print)

Address: 2 Garden St.

Case No. BZA-228569

Hearing Date: 7/13/23

Thank you,
Bza Members

Patrick W. Barrett III, ESQ
41 Pleasant St.
Cambridge, Ma 02139

6/27/2023

Maria Pacheco
Inspectional Services Department
831 Massachusetts Avenue
Cambridge MA 02139

RE: Lodging Houses and BZA-228569

Maria,

I have a few concerns regarding BZA-228569 and a few questions for the board. The first relating to the zoning ordinance definition of lodging house contrasting with the international building code definition and licensing, a potential violation of article 5 section 5.26 of the Cambridge Zoning Ordinance, a potential scrivener's error regarding footnote 7. Based on my findings this project is likely not a lodging house as defined by any code and is likely in violation of section 5.26. The scrivener's error though related to C and C-1 zoning speaks more to the intent of footnote 7 and as it relates to lodging house as a use category in all "C" type districts.

The Cambridge zoning ordinance defines lodging house as:

Lodging House. A dwelling where lodgings are let to four or more persons not within the second degree of kinship to the person conducting it, including fraternity housing but not including dormitories or charitable, educational or philanthropic institutions.

Contrast this the international building code definition:

LODGING HOUSE. A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms. The code establishes a lodging house as a Group R-3 occupancy where there are five or fewer guest rooms. This definition provides a distinction from Group R-1 occupancies where the occupants are expected to be transient. For a lodging house, there are one or more occupants who are permanent; this is their home.

780 CMR, §102.2.2 states:

"102.2.2 Municipal Bylaws or Ordinances. 780 CMR applies state-wide, When municipal bylaws and ordinances conflict with 780 CMR, 780 CMR shall govern unless the bylaws or ordinances were promulgated in accordance with M.G.L. c. 143, §98."

M.G.L. c. 143, §98

“Section 98. The board of selectmen in a town or the mayor in a **city may recommend to the board the adoption of rules and regulations imposing more restrictive standards than those established by the state building code** for construction, alteration, repair, demolition, and removal in such a city or town.”

The lodging house definition in the building code seems the more restrictive in that it requires that the structure be someone’s “home.” If the building code definition is ruling it is not clear to me if Garden Lodge, LLC as the holder of title (Bk: 1595 Pg: 125) could be the intended occupant and that the intended use does not contemplate 2 Garden St being someone’s “home.” Therefore, it seems more likely that the use of “lodging house” is a means to skirt existing ordinance and building code language to build a hotel or motel where the use is clearly not allowed. Further, the building code does define boarding houses as:

BOARDING HOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit. A boarding house is a structure housing boarders in which the occupants are provided sleeping accommodations or meals and accommodations for a fee. The individual rooms used usually do not contain all of the permanent living provisions of a dwelling unit (e.g., permanent cooking facilities). Most often, the term “boarding house” describes a facility that is primarily for transient occupants; however, these facilities might also be used for non-transient purposes. Depending on the extent of transiency, a boarding house could be classified as Group R-1 when an occupant typically stays for not more than 30 days or Group R-2 when the length of stay is greater than 30 days [see Section 310 and Commentary Figure 202(9)]. **Boarding houses are distinct from Lodging houses. Lodging houses allow transient guests within a residence that is also occupied by the owner or primary residents of the dwelling unit.** Lodging houses are classified as Group R-3.

This building code definition of Boarding House seems to fit more closely the contemplated use of a 16 room use contemplated by Garden Lodge, LLC. However, there is no definition “Boarding House” in our zoning ordinance. We do however have such terms as “innholder,” “tourist house,” “motel,” and “hotel,” defined in licensing all of which seem to be much more in line with the contemplated use than the appellants insistence 2 Garden St is a “lodging house.” The definition of hotel, for instance, more accurately describes the use contemplated by Garden Lodge, LLC:

C) “Hotel” – (or “Inn”)- any building or group of buildings containing six or more rooms which provide sleeping accommodations and food for transient occupants, and which is licensed or required to be licensed under the provisions of section six of chapter one hundred and forty. Licenses require that food is to be provided in these establishments.

Thus is a name by any other matters in zoning, building code, and licensing there doesn’t seem to be any universe where the proposed use for 2 Garden St could be a “Lodging House.” The use is clearly a hotel, motel, or possibly an Inn provided, based on the definition of Inn, that this is a “private owner-occupied house.” None of these use categories are allowed in a C-2 zone and therefore any request for relief

based on the assumption that the use is an allowed “by right” use must be denied pending a review of the contemplated use and its legal standing.

The second issue relates to Article 5 of the Cambridge Zoning Ordinance Section 5.26 Conversion of Dwellings. The section states:

Conversion of Dwellings. No new dwelling unit created by the conversion of an existing dwelling into a greater number of units or by addition or enlargement of an existing dwelling shall be permitted unless the requirements of minimum lot area for each dwelling unit, maximum ratio of floor area to lot area, private open space and off street parking are satisfied for all dwelling units (in existence and proposed) in the dwelling after the conversion or enlargement.

2 Garden Street is a single-family house that was converted at one point into a rectory, parsonage. There is no definition of “rectory” or “parsonage” in zoning or the building code but the standard websters definition is “a residence of a rector or parish priest.” Quite simply, the residence of a priest. In the absence of a clear definition from either zoning or the building code it appears that the use currently in place is that of a residential single-family use. In Article 5 section 5.2 Table 5-1 a property in a residence C-2 zone has an FAR of 1.75, Min lot of 5,000 sqft, and a min lot per dwelling unit of 600 sqft. For the time being lets set aside height, side, and rear setbacks. There is one issue, however, that is worthy of note is that this property was granted a special permit to remove parking in 2013 for the current use. It is understood that Cambridge has recently removed parking requirements and this property is still encumbered by that relief. (decision attached) If the property is currently a single family and we apply 5.26 the addition of 15 unit (taking into account the current single unit) the proposed use would require roughly nine thousand six hundred (9,600 sqft) to be in compliance with 5.26 for the unit count alone. The parcel in question is only 5,261 (according to the City of Cambridge), thus at the very least the unit count must be reduced if it is in fact a “lodging house” which I maintain it most certainly is not. There is also a requirement to maintain 15% open space, which the current configuration does but it is unclear based on what was presented if that is maintained in the new design. **The proposal as designed, if it is a lodging house, is violative of section 5.26 and would need a variance to be compliant under the existing scheme or need to reduce room count substantially.**

However, based on the building code, zoning ordinance, and licensing this project appears very clearly to be a hotel and as such would need a special permit for the use. **Further, the Hotel or Motel scheme proposed for the site must not only get a special permit within a C-2 district the BZA, in order to approve a special permit must make a specific finding that:**

7. c)Hotels or motels shall be permitted by special permit from the Board of Zoning Appeal (BZA) in Residence 2, 2A, 2B, and 3 districts, where paragraph (b) above does not apply.

- **In granting such special permit the BZA shall find that the proposed location and its surrounding neighborhood is predominately institutional or commercial in use, and specifically not a low-density residential area.**

- The Board shall further find that the physical development of the site for hotel use will be similar to, and compatible with, the existing (or potential) site development pattern on surrounding sites for other uses permitted in the applicable zoning district or districts; and that the operation of the hotel or motel, with regard to delivery of goods, the kind and volume of vehicular trips to and from the site, and the numbers of people visiting the site on foot, among other factors, is compatible with the use of adjacent properties for uses permitted in the applicable zoning district or districts.
- In making these findings the Board shall consider the following, among other considerations:
 - 1.The scale of the building in the immediate neighborhood;
 - 2.The extent of non-residential development in the neighborhood, including the size of buildings, the specific uses, the kind and number of vehicular trips generated by those uses;
 - 3.The density of residential use on adjacent lots and within the immediate neighborhood;
 - 4.The details of operation of the proposed hotel or motel use including the kinds and number of vehicle trips to the site, including service trips;
 - 5.The extent of access to arterial streets that customarily accommodate or provide direct service to non-residential uses;
 - 6.The nature of side development on adjacent sites including setbacks from property lines, location and quantity of vehicular parking, the presence of accessory activities such as loading facilities, waste storage facilities, mechanical service equipment, landscaped green spaces, etc.

Lastly there appears to be a scrivener's error in foot note 7 that has gone unaddressed since it was discussed at length in 2001. I've attached the committee notes for reference. It appears that the footnote seven is a bit of a misprint. The Housing Committee in 2001 held a meeting to discuss the prohibition of lodging houses in C and C-1 districts. While the memo doesn't specifically address C-2 districts it appears the language of footnote 7 is unsettled and has been for some time. Thus, it seems from a policy perspective that at the very least this issue ought to be settled as a matter of policy. Thus, to approve a questionable use in district that prohibits hotel, motel, and inn but allows for a loophole potential by right use of a "lodging house" seems to be bad policy and the issue should be resolved by CDD, ISD, and the Council prior to any action on a lodging within any "C" district. I've included the hearing notes as an exhibit to this memo.

For the reasons stated above and more I ask that the BZA deny the special permit for the extension of what is not an allowed use within a C-2 zone and that ISD come back with a legal opinion on the status of lodging houses and whether the proposed use at 2 Garden St complies. The proponent may also reduce the unit count and return for a special permit for a hotel use in a C-2 zone and provide a detailed description of operation and compliance with footnote 7.

Respectfully,

Patrick W. Barrett III



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139

Telephone: 617 349 4683 Fax: 617 349 3116 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, Jo M. Solet, Yuting Zhang, *Members*
Gavin W. Kleespics, Paula A. Paris, Kyle Sheffield, *Alternates*

CERTIFICATE OF APPROPRIATENESS

Property: **2 Garden Street**

Applicant: **Garden Lodge, LLC**

Attention: **Ryan Wittig**
 Kinvarra Capital
 667 Somerville Avenue
 Somerville, Mass. 02143

Peter Quinn
 Peter Quinn Architects
 259 Elm Street, #301
 Somerville, Mass. 02144

The Cambridge Historical Commission hereby certifies, pursuant to the Massachusetts Historic Districts Act (MGL Ch. 40C) and the Cambridge Historical Buildings and Landmarks Ordinance (Cambridge City Code, Ch. 2.78), that the work described below is not incongruous to the historic aspects or architectural character of the building or district:

1. Renovate the existing house.
2. Demolish the carport.
3. Construct two new floors above the existing rear addition with an accessible new main entrance.
4. Construct two below-grade patios at the rear of the addition.
5. Install bicycle rack and repave the driveway.

Work is to be carried out as indicated on the plans by Peter Quinn Architects titled, "Rear Addition to 2 Garden St," and dated revised May 19, 2023, except as modified by the conditions below.

Approval is granted on the following conditions,

1. the 3rd-floor balconies be removed
2. the 2nd-floor bathroom at the east corner of the building have a shed roof and that its mass be pulled back from the rear façade, and

-
3. the mass of the one-story flat-roofed addition at the south corner be pulled back from the rear facade, and
 4. review and approval of construction details are delegated to the CHC staff.

All improvements shall be carried out as shown on the plans and specifications submitted by the applicant, except as modified above. Approved plans and specifications are incorporated by reference into this certificate.

This certificate is granted upon the condition that the work authorized herein is commenced within six months after the date of issue. If the work authorized by this certificate is not commenced within six months after the date of issue, or if such work is suspended in significant part for a period of one year after the time the work is commenced, then this certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time, for periods not exceeding six months each, may be allowed in writing by the Chair.

Case Number: **4954**

Date of Certificate: **July 12, 2023**

Attest: A true and correct copy of decision filed with the offices of the City Clerk and the Cambridge Historical Commission on July 12, 2023.

By Bruce A. Irving/slb, Chair.

Twenty days have elapsed since the filing of this decision.
No appeal has been filed _____. Appeal has been filed _____.
Date _____, City Clerk

July 13, 2023

VIA Hand Delivery

Board of Zoning Appeal
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

Attn: Maria Pacheco, Zoning Administrator

Re: BZA Case #228569-2023 – 2 Garden Street, Cambridge, MA

Dear Members of the Board:

We are in receipt of letters from Mr. Craig Kelley, Esq., counsel for Christ Church Cambridge, the abutter at 0 Garden Street, and from Mr. Patrick W. Barrett III, Esq., of 41 Pleasant Street, Cambridge, MA. We submit this brief response for your consideration, and will address their arguments in more detail at the hearing this evening.

Both Attorney Kelley and Attorney Barrett claim that a “Lodging House Use” is not an “as of right” use in this C-2 zoning district. As grounds they each claim that although the Cambridge Zoning Ordinance (CZO) Section 4.31 (Table of Uses) lists a Lodging House use as allowed (“Yes⁷”) in a C-2 district (see attached), that Footnote 7 imposes additional requirements that ought to be applied to this use. However, Footnote 7 refers only to hotels and motels and makes no mention whatsoever to “Lodging Houses” (see attached). Hotels and motels are listed separately in the Table of Uses as requiring a special permit (“SP⁷”) in a C-2 district. Attorney Kelley and Barrett suggest that the omission of the words “Lodging house” in Footnote 7 (a), (b), and (c), is due to a so-called “scrivener’s error” and further, they urge this Board of Zoning Appeal to “correct” this error and today impose a new requirement on this applicant to file for a special permit to allow for their intended use as a Lodging House.

A Board of Zoning Appeal is charged with interpreting the Cambridge Zoning Ordinance as written. The Cambridge Zoning Ordinance, just like any statute, is to be interpreted on the basis of its clear, unambiguous language. Courts are loath to allow zoning boards (or other such bodies) to supply its own language to an ordinance. Moreover, the applicant here has consulted the Commissioner of Inspectional Services on more than one occasion to confirm this interpretation of the Ordinance and to confirm that its application to this Board was appropriate and complete in requesting the limited relief that is being requested today.

Alternatively, Attorney Kelley and Attorney Barrett suggest that the use to be pursued is not truly a Lodging House use. They suggest that Cambridge's definition of a Lodging House (Section 2.000) is contrary to state law. They direct you to language in the Massachusetts state building code (but without citation and without quoting from its actual text) and suggest that the City of Cambridge cannot define Lodging House as the City has done for decades. They would impose a requirement lodging house owners occupy the dwelling in which they let rooms and further limit lodging to five or fewer guests. This is directly contrary to the Cambridge Zoning Ordinance as well as Massachusetts state law.

The Cambridge Zoning Ordinance Section 2.000 defines a Lodging House as follows:

"A dwelling where lodgings are let to four or more persons not within the second degree of kinship to the person conducting it, including fraternity housing but not including dormitories or charitable, educational or philanthropic institutions."

Similarly, Massachusetts General Laws, Chapter 140, § 22, defines a Lodging House as:

"A house where lodgings are let to four or more persons not within second degree of kindred to the person conducting it, and shall include fraternity houses and dormitories of educational institutions, but shall not include dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under section seventy-one of chapter one hundred and eleven or rest homes so licensed, or group residences licensed or regulated by agencies of the commonwealth."

Indeed, the City of Cambridge Licensing Commission, which body is charged with the review and issuance of Lodging House licenses, states on its website as follows:

"Innholder or Lodging House Licenses are issued by the Cambridge License Commission and are governed by Massachusetts General Law ch. 140 sec. 22 - 32 and Cambridge Regulations."

Lastly, Attorney Barrett argues that the applicant may be in violation of Section 5.26 because the project is adding "dwelling units" without meeting the lot size per dwelling unit requirements for the district. However, the applicant is not adding dwelling units. "Dwelling unit" is defined in Section 2.000 of the Cambridge Zoning Ordinance as follows:

"A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with

cooking and sanitary faculties for the exclusive use of such family for living, sleeping, cooking and eating.”

The plans here show that the applicant is maintaining one kitchen only to be shared its guests. There are no additional Dwelling units being proposed and therefore no requirement to meet the provisions of Section 5.26.

Thank you for your consideration.

Sincerely,

Sarah Like Rhatigan, Esq.

Enclosures

CC (via email): Mr. Peter Quinn, PQA
Mr. Ryan Wittig
Mr. Matthew Moore
Mr. Pat McKinney

4.40 FOOTNOTES TO THE TABLE OF USE REGULATIONS

1. All uses except residential uses in Section 4.31 (a)-(h) and (i) 3 shall be subject to the following limitations:
 - a. Permitted nonresidential uses must be located in a building containing the above enumerated residential uses;
 - b. Permitted nonresidential uses may not occupy more than 40%(forty percent) of the Gross Floor Area in the building; all remaining GFA must be devoted to permitted residential uses.
 - c. The permitted nonresidential uses may only be located on the first floor or basement of the building.
 - d. No accessory parking shall be provided for any nonresidential use.
2. Provided that in Residence A districts the exterior design of the structure is not changed.
3. Planning Board Special Permit for developments specified in Section 11.12.
4. Deleted
5. Planning Board special permit for dwellings specified in Section 4.26.
6. No in the Office 1 District.
7. Subject to the following provisions:
 - (a) **Hotels and motels** shall be prohibited in Residence C or Residence C-1 districts;
 - (b) **Hotels and motels** shall be permitted as of right in Residence C-3A districts and in Residence C-2, 2A, 2B, and 3 districts where at least fifty (50) percent of the area of the lot upon which the hotel or motel is located, and the point of entry from a street for all vehicular access to the hotel or motel, is located within the Harvard Square Overlay District the Central Square Overlay District or the Massachusetts Avenue Overlay District.
 - (c) **Hotels or motels** shall be permitted by special permit from the Board of Zoning Appeal (BZA) in Residence 2, 2A, 2B, and 3 districts, where paragraph (b) above does not apply. In granting such special permit the BZA shall find that the proposed location and its surrounding neighborhood is predominately institutional or commercial in use, and specifically not a low-density residential area. The Board shall further find that the physical development of the site for hotel use will be similar to, and compatible with, the existing (or potential) site development pattern on surrounding sites for other uses permitted in the applicable zoning district or districts; and that the operation of the hotel or motel, with regard to delivery of goods, the kind and volume of vehicular trips to and from the site, and the numbers of people visiting the site on foot, among other factors, is compatible with the use of adjacent properties for uses permitted in the applicable zoning district or districts. In making these findings the Board shall consider the following, among other considerations:
 1. The scale of the building in the immediate neighborhood;
 2. The extent of non-residential development in the neighborhood, including the size of buildings, the specific uses, the kind and number of vehicular trips generated by those uses;
 3. The density of residential use on adjacent lots and within the immediate neighborhood;
 4. The details of operation of the proposed hotel or motel use including the kinds and number of vehicle trips to the site, including service trips;
 5. The extent of access to arterial streets that customarily accommodate or provide direct service to non-residential uses;

		Open Space	Res A 1&2	Res B	Res B		Off 1, 2A, 2,3, 3A	Bus A-1, A-2, A-3 1	Bus A, A-4	Bus B, B-1, B-2	Bus B, B-1, B-2	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B
4.31 Residential Uses															
	a. Detached dwelling occupied by not more than one family	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	PB	PB
	b. Two family dwelling	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	PB	PB
	c. Existing one-family detached dwelling converted for two families 15,16	No	Yes ²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	PB	PB
	d. Townhouse development	No	No	Yes ³	Yes ³	Yes ³	Yes	Yes ³	Yes	Yes	Yes	Yes	PB ³	PB ³	PB ³
	e. Elderly oriented congregate housing	No	PB	PB	Yes	Yes	Yes ⁵	Yes ⁵	Yes	Yes	Yes	Yes	PB ⁵	PB ⁵	PB ⁵
	f. Existing dwelling converted for elderly oriented congregate housing 17	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	PB	PB
	g. Multifamily dwelling	No	No	No	No	Yes ⁵	Yes ⁵	Yes ⁵	Yes	Yes	Yes	Yes	PB ⁵	PB ⁵	PB ⁵
	h. Existing dwelling converted for more than two families 16	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	PB	PB
4.32 Transportation, Communication & Utility Uses															
	1. Tourist house in an existing dwelling	No	No	No	No	Yes	Yes	No	SP	Yes	Yes	SP	PB	PB	PB
	2. Hotel or motel	No	No	No	No	SP ⁷	Yes ⁶	No	SP	Yes	Yes ⁵³	No	SP	No	SP
	j. Trailer Park or mobile home park	No	No	No	No		Yes ⁶	Yes	Yes	Yes	Yes	SP	PB	No	SP
	a. Bus or railroad passenger station	No	No	No	No	No	No	SP	SP	No	No	No	Yes	Yes	Yes
	b. Automobile parking lot or parking garage for private passenger cars 18	No	No	No	No	No	Yes	SP	SP	Yes	Yes	Yes	Yes	Yes	Yes