



CITY OF CAMBRIDGE  
MASSACHUSETTS  
BOARD OF ZONING APPEAL  
831 MASSACHUSETTS AVENUE  
CAMBRIDGE, MA 02139  
617 349-6100

BZA APPLICATION FORM

Plan No: BZA-017311-2020

GENERAL INFORMATION

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

Special Permit : \_\_\_\_\_ Variance :   √   Appeal : \_\_\_\_\_

PETITIONER : Leggat McCall Properties, LLC - C/O James J. Rafferty, Esq.

PETITIONER'S ADDRESS : 907 Massachusetts Avenue, Suite 300 Cambridge, MA 02139

LOCATION OF PROPERTY : 40 Thorndike St Cambridge, MA 02141

TYPE OF OCCUPANCY : \_\_\_\_\_ ZONING DISTRICT : Business B Zone

REASON FOR PETITION :

**DESCRIPTION OF PETITIONER'S PROPOSAL :**

Petitioner seeks modifications to certain dimensions for off street parking spaces.

**SECTIONS OF ZONING ORDINANCE CITED :**

Article 6.000 Section 6.42 (Off Street Parking Facilities).

Article 10.000 Section 10.30 (Variance).

Original Signature(s) :

  
\_\_\_\_\_  
(Petitioner(s) / Owner)

James J. Rafferty  
(Print Name)

Address : 907 Massachusetts Avenue, Suite 300

Cambridge, MA 02139

Tel. No. : (617) 492-4100

E-Mail Address : jrafferty@adamsrafferty.com

Date : July 27, 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:

The project has obtained a Special Permit to authorize the conversion of the former Sullivan Courthouse into a mixed use building containing 48 affordable dwelling units, ground floor retail and technical office space. The parking will be provided on two below grade levels. Existing basement ceiling heights and column locations preclude all aisles and parking from completely complying with the dimensional requirements of Section 6.42 of the Zoning Ordinance.

**B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The hardship is directly related to the condition of the existing building and its structural elements.

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

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

The project involves the rehabilitation of a long shuttered building with significant environmental remediation needs. The public good will be benefitted by allowing the proposed parking to be permitted in the basement of the building.

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

The requested dimensional relief for certain parking spaces and drive aisles will not derogate from the intent or purpose of the Ordinance. To the contrary, permitting the proposed parking in the basement of the building is consistent with the provisions of Section 1.30 to "encourage the most rational use of land throughout the City".

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



## Excerpts from MA State Building Code 780 CMR

**1003.2 Ceiling height.** The *means of egress* shall have a ceiling height of not less than 7 feet 6 inches (2286 mm).

### Exceptions:

1. Sloped ceilings in accordance with Section 1208.2.
2. Ceilings of *dwelling units* and *sleeping units* within residential occupancies in accordance with Section 1208.2.
3. Allowable projections in accordance with Section 1003.3.
4. *Stair* headroom in accordance with Section 1011.3.
5. Door height in accordance with Section 1010.1.1.
6. *Ramp* headroom in accordance with Section 1012.5.2.
7. The clear height of floor levels in vehicular and pedestrian traffic areas of public and private parking garages in accordance with Section 406.4.1.
8. Areas above and below *mezzanine* floors in accordance with Section 505.2.

**1003.3 Protruding objects.** Protruding objects on *circulation paths* shall comply with the requirements of Sections 1003.3.1 through 1003.3.4.

**1003.3.1 Headroom.** Protruding objects are permitted to extend below the minimum ceiling height required by Section 1003.2 where a minimum headroom of 80 inches (2032 mm) is provided over any walking surface, including walks, *corridors*, *aisles* and passageways. Not more than 50 percent of the ceiling area of a *means of egress* shall be reduced in height by protruding objects.

**Exception:** Door closers and stops shall not reduce headroom to less than 78 inches (1981 mm).

A barrier shall be provided where the vertical clearance is less than 80 inches (2032 mm) high. The leading edge of such a barrier shall be located 27 inches (686 mm) maximum above the floor.

**406.4.1 Clear height.** The clear height of each floor level in vehicle and pedestrian traffic areas shall be not less than 7 feet (2134 mm). Vehicle and pedestrian areas accommodating van-accessible parking shall comply with Section 1106.5.

- (A) 21'-6" DRIVE AISLE AT REGULAR PARKING SPACES**  
 EXISTING COLUMNS THAT ARE ENCASED IN CONCRETE TO SUPPORT THE NEW LEVEL 1 LOWERED SLAB CREATE A DRIVE AISLE THAT IS CONSTRAINED TO 21'-6"
- (B) 21'-2" PARKING ENTRANCE**  
 EXISTING COLUMN LOCATIONS IN COMBINATION WITH THE GARAGE DOOR FRAME DIMENSIONAL REQUIREMENTS CREATE A CONDITION THAT IS CONSTRAINED TO 21'-2".
- (C) 21'-6" DRIVE AISLE AT ENTRY AND RAMP**  
 EXISTING COLUMNS THAT ARE ENCASED IN CONCRETE TO SUPPORT THE NEW LEVEL 1 LOWERED SLAB CREATE A DRIVE AISLE & RAMP THAT IS CONSTRAINED TO 21'-6"
- (D) 7'-0" HEADROOM AT LOWER LEVEL 1**  
 LOWERING THE FIRST FLOOR TO ACCOMMODATE AN ACCESSIBLE THROUGH-BLOCK LOBBY, UNEVEN LL1 FLOOR LEVEL EXISTING CONDITIONS, CEILING INSULATION, AND MEP SYSTEMS RESULT IN A 7'-0" HEADROOM CONDITION FOR A LARGE PORTION OF LL1.  
 IN LIEU OF MEETING 7'-6" HEADROOM PER CITY ZONING, WE REQUEST TO DESIGN THE GARAGE CLEAR HEIGHT TO CONFORM WITH MA STATE BUILDING CODE 780 CMR AS A BASELINE AT DRIVE AISLES AND PARKING SPACES. THE CODE ALLOWS 7' MIN. HEADROOM AT CEILINGS (OR UNDERSIDE OF DECK) AND 6'-8" AT MISCELLANEOUS PROTRUDING OBJECTS SUCH AS BEAMS AND PIPES (PER MA STATE BUILDING CODE 780 CMR S. 406.4.1, 1003.2, & 1003.3).
- (E) 7'-0" HEADROOM AT LOWER LEVEL 2**  
 EXISTING CONDITIONS, CEILING INSULATION, AND MEP SYSTEMS RESULT IN A 7'-0" HEADROOM CONDITION FOR PORTIONS OF LL2 INCLUDING PARKING ZONES THAT EXCLUDE THE ACCESSIBLE VAN PATH.  
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EXISTING CONDITIONS HAVE YET TO BE FULLY VERIFIED.

## LEGEND



# City of Cambridge

MASSACHUSETTS

## BOARD OF ZONING APPEAL

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

2020 SEP -1 AM 10: 56

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

### Board of Zoning Appeal Waiver Form

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

RE: Case # BZA - 017311-2020

Address: 40 Thoreau St.

Owner,  Petitioner, or  Representative: James Daffelty  
(Print Name)

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

Date: 8/31/20

[Signature]  
Signature

**ADAMS & RAFFERTY**  
ATTORNEYS AT LAW  
A Professional Association \*  
907 Massachusetts Avenue, Suite 300  
Cambridge, MA 02139

**James J. Rafferty, P.C.**  
*jrafferty@adamsrafferty.com*

Telephone (617) 492-4100  
Fax (617) 492-3131

September 4, 2020

BY HAND

Board of Zoning Appeal  
831 Massachusetts Avenue  
Cambridge, MA 02139

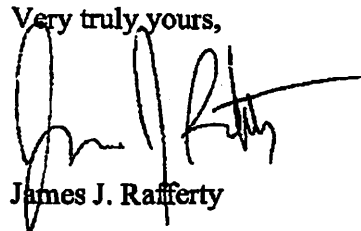
**Re: BZA Case No. 017311-2020**  
**40 Thorndike**

Dear Ms. Pacheco,

Please find a revised garage floor plans for the above captioned case dated "September 2020". The revision to the plan involves the relocation of the handicapped van parking space on lower level 2 after consultation with the project's accessibility reviewer.

Thank you for your assistance and cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "James J. Rafferty", with a long horizontal flourish extending to the right.

James J. Rafferty

JJR/pwc

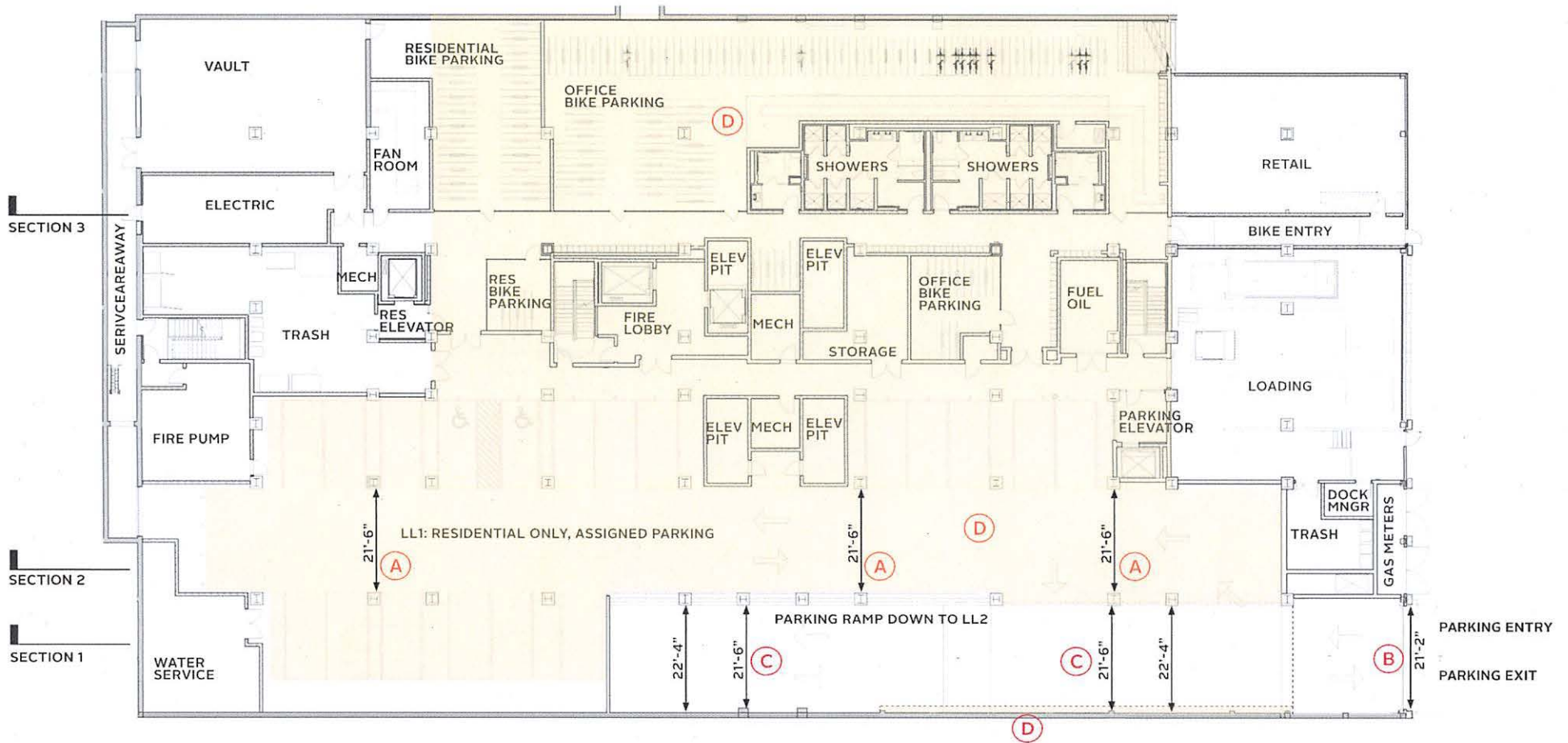
Enclosure

- (A) 21'-6" DRIVE AISLE AT REGULAR PARKING SPACES**  
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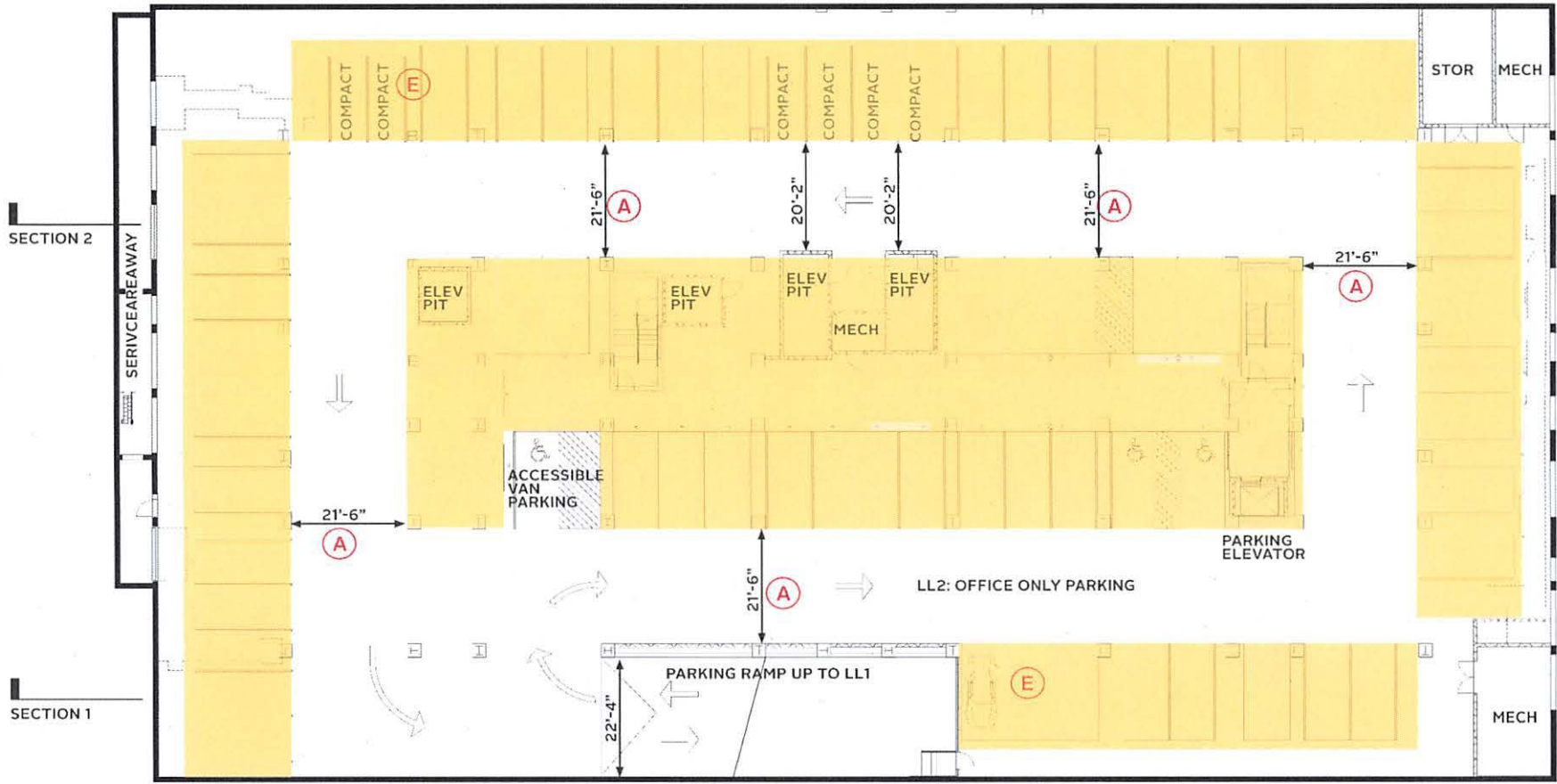
## LEGEND



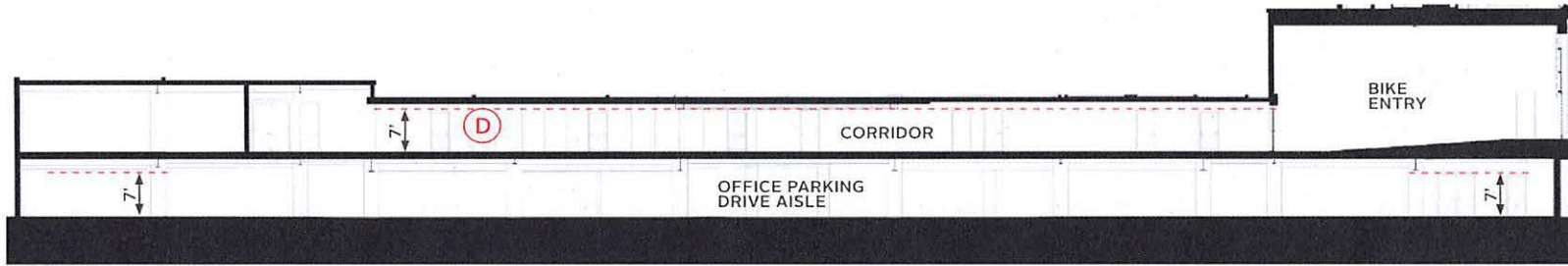


LOWER LEVEL 1 FLOOR PLAN

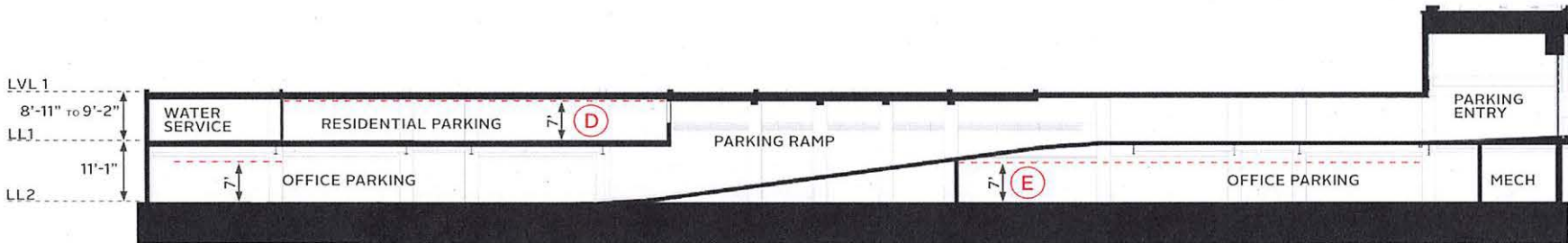




LOWER LEVEL 2 FLOOR PLAN



SECTION 2



SECTION 1

SECTIONS





CITY OF CAMBRIDGE  
 MASSACHUSETTS  
 BOARD OF ZONING APPEAL  
 831 MASSACHUSETTS AVENUE  
 CAMBRIDGE, MA 02139  
 617 349-6100

2020 JUL 28 AM 11:39  
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 CAMBRIDGE, MASSACHUSETTS

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 (Petitioner(s) / Owner)

James J. Rafferty  
 (Print Name)

Address : 907 Massachusetts Avenue, Suite 300

Cambridge, MA 02139

Tel. No. : (617) 492-4100

E-Mail Address : jrafferty@adamsrafferty.com

Date : July 27, 2020

**OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD**

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

LMP GP Holdings LLC c/o Leggat McCall Properties LLC  
(Owner or Petitioner)

Address: c/o James J. Rafferty 907 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 40 Thorndike Street

the record title standing in the name of LMP GP Holdings, LLC

whose address is 10 Post Office Square, Suite 1300N, Boston MA 02109  
(Street) (City or Town) (State & Zip Code)

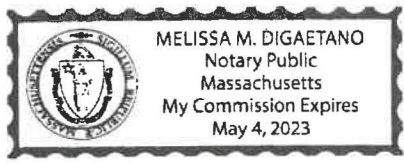
by a deed duly recorded in the Middlesex South County Registry of Deeds in

Book 74194 Page 580 or \_\_\_\_\_ Registry

District of Land Court Certificate No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

*Thomas M. Dickey*  
(Owner)

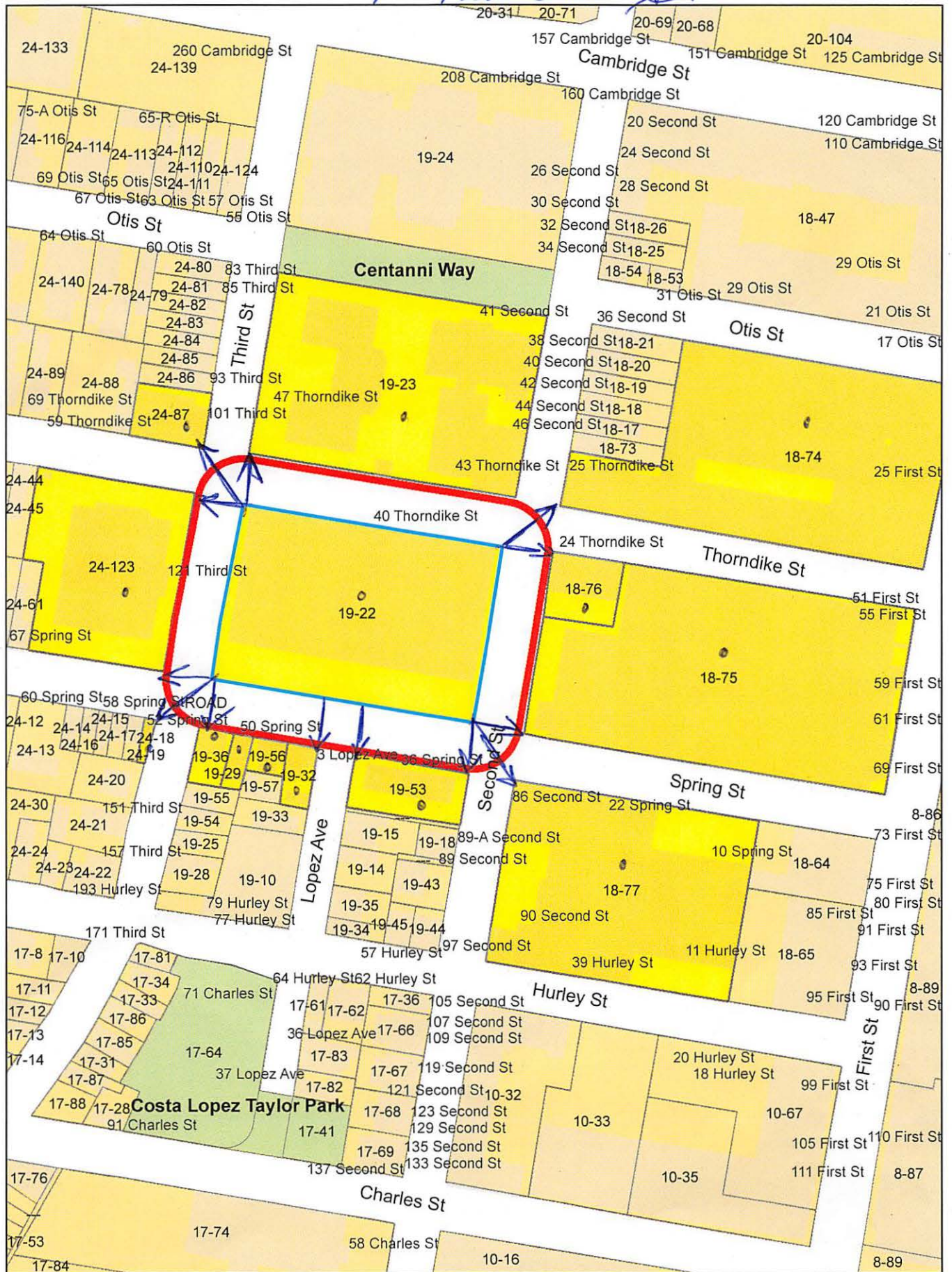
On this 4 day of <sup>August (MD)</sup> ~~July~~, 2020, before me, the undersigned notary public, personally appeared Robert Dickey proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



*Melissa M. DiGaetano*  
Notary Public

My commission expires:  
May 4, 2023

40 Thorndike St.



40 Thorendike St.

Petitioner

18-77  
ARE-MA REGION NO.55  
EXCHANGE HOLDING LLC  
PO BOX 847  
CARLSBAD, CA 92018

24-87  
SUMMONS, ROGER EVERETT &  
ELIZABETH KRISTINE SUMMONS  
101 THIRD ST., UNIT #2  
CAMBRIDGE, MA 02141

JAMES J. RAFFERTY, ESQ.  
907 MASS AVENUE - SUITE 300  
CAMBRIDGE, MA 02139

24-123  
MIDDLESEX COUNTY OF  
200 CAMBRIDGE  
CAMBRIDGE, MA 02141

18-74  
DAVENPORT OWNER (DE) LLC,  
C/O OXFORD PROPERTIES GROUP  
125 SUMMER ST. 12TH FL  
BOSTON, MA 02110

18-76  
GKA REALTY, LLC  
P.O. BOX 341  
WINCHESTER, MA 01890

24-87  
FORTUNE, PATRICK & THEODORA COHEN  
101 THIRD ST., #4  
CAMBRIDGE, MA 02139

19-32  
PONTES, MANUEL L. & MARIA I. PONTES  
3 EDW. J. LOPEZ AVE.  
CAMBRIDGE, MA 02141

24-19  
KC, SANTOSH & ROJU KC  
52 SPRING ST  
CAMBRIDGE, MA 02141-1729

24-87  
FERACO, THOMAS J.  
101 THIRD ST., UNIT #1  
CAMBRIDGE, MA 02141

19-29  
GOLDING, GREGORY  
MARBLEHEAD BOATYARD ASSOCIATES  
2359 N. LAFAYETTE ST., #1  
DENVER, CO 80205

19-36  
SHARMA, SAMEER  
134 THIRD ST., #3  
CAMBRIDGE, MA 02141

19-23  
MIDDLESEX, COUNTY OF BULFINCH SQUARE  
IRB REAL ESTATE  
TWO BRATTLE SQ  
CAMBRIDGE, MA 02138

19-36  
ZHAO, JIAJIA  
35 W 33RD ST., #21D  
NEW YORK, NY 10001

19-36  
JAIMAN, SHIRLEY  
134 THIRD ST. UNIT#2  
CAMBRIDGE, MA 02141

19-56  
DUGGINS, PAULA F.  
46 SPRING ST., UNIT #2  
CAMBRIDGE, MA 02141

19-56  
DORAN, BRYAN & MARY ELLEN DORAN  
46 SPRING ST., #1  
CAMBRIDGE, MA 02141

19-53  
SOKOLOVA, OLGA V.  
34 SPRING ST., #3  
CAMBRIDGE, MA 02141

19-53  
LIN, JUNG-ERH  
36 SPRING ST., #4  
CAMBRIDGE, MA 02141

19-53  
LIN, ALICE  
32 SPRING ST. UNIT #2  
CAMBRIDGE, MA 02141

19-53  
HUANG, ELLEN  
30 SPRING ST., #1  
CAMBRIDGE, MA 02141

19-53  
JAMPOL, RUSSELL PAUL  
38 SPRING ST., #5  
CAMBRIDGE, MA 02141

24-87  
YOU, NINA,  
TRS THE NINA YOU TRUST - 2020  
101 THIRD ST UNIT 3  
CAMBRIDGE, MA 02141

19-22  
LMP GP HOLDINGS LLC  
C/O LEGGAT MCCALL HOLDINGS PROP LLC  
10 POST OFFICE SQ  
BOSTON, MA 02109

18-75  
CAMBRIDGE CITY OF COMM. DEV.  
57 INMAN ST  
CAMBRIDGE, MA 02139

18-75  
CITY OF CAMBRIDGE  
C/O NANCY GLOWA  
CITY SOLICITOR

18-75  
CITY OF CAMBRIDGE  
C/O LOUIE DEPASQUALE  
CITY MANAGER

- A 21'-6" DRIVE AISLE AT REGULAR PARKING SPACES**  
EXISTING COLUMNS THAT ARE ENCASED IN CONCRETE TO SUPPORT THE NEW LEVEL 1 LOWERED SLAB CREATE A DRIVE AISLE THAT IS CONSTRAINED TO 21'-6"
- B 21'-4" PARKING ENTRANCE**  
EXISTING COLUMN LOCATIONS IN COMBINATION WITH THE GARAGE DOOR FRAME DIMENSIONAL REQUIREMENTS CREATE A CONDITION THAT IS CONSTRAINED TO 21'-4".
- C 21'-6" DRIVE AISLE AT ENTRY AND RAMP**  
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- D 7'-0" HEADROOM AT LOWER LEVEL 1**  
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- E 7'-0" HEADROOM AT LOWER LEVEL 2**  
EXISTING CONDITIONS, CEILING INSULATION, AND MEP SYSTEMS RESULT IN A 7'-0" HEADROOM CONDITION FOR INTERMITTANT PORTIONS OF LL2 INCLUDING UNDERSIDE OF RAMP AND UNDERSIDE OF ELECTRIC VAULT

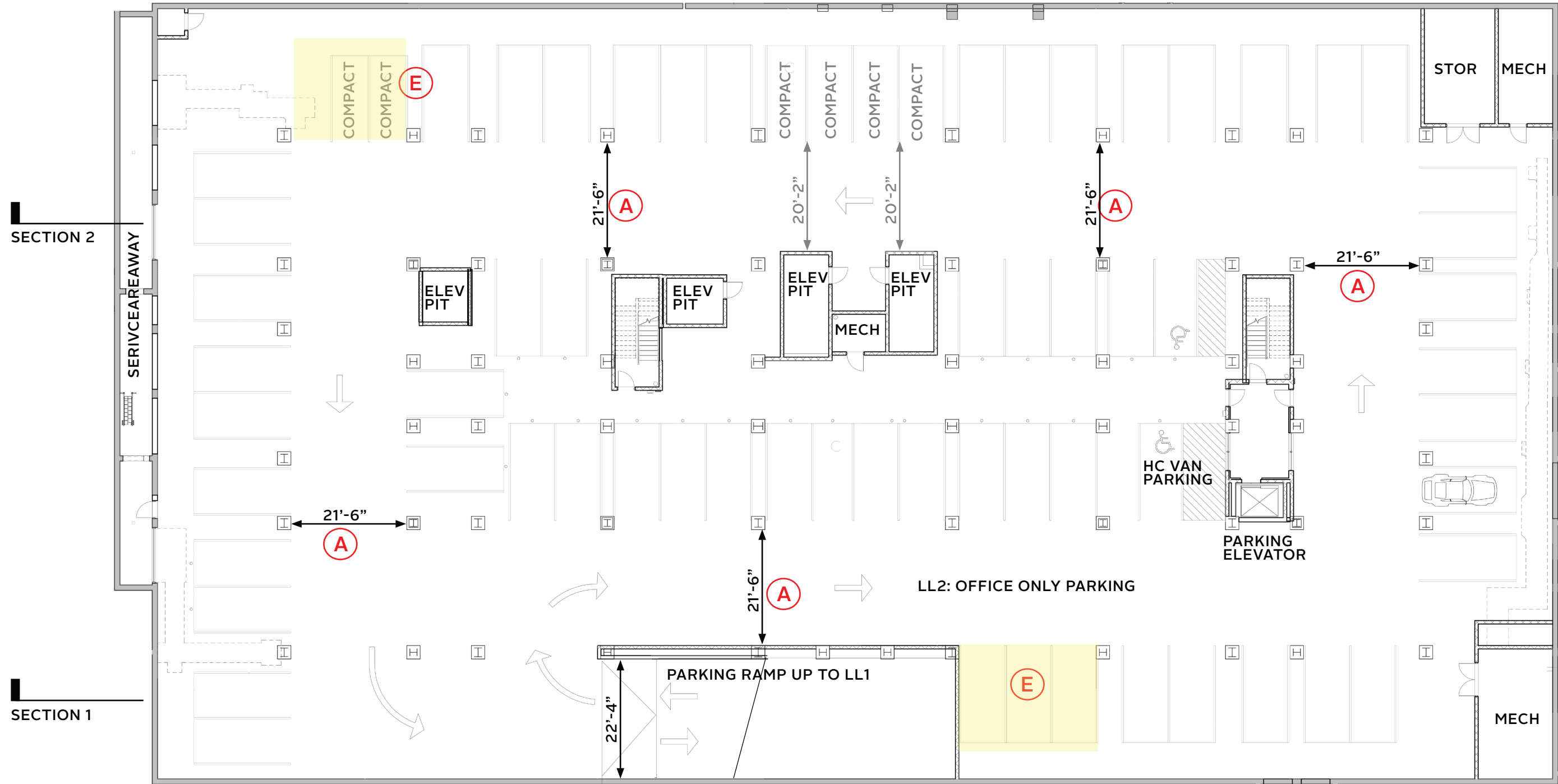
## LEGEND





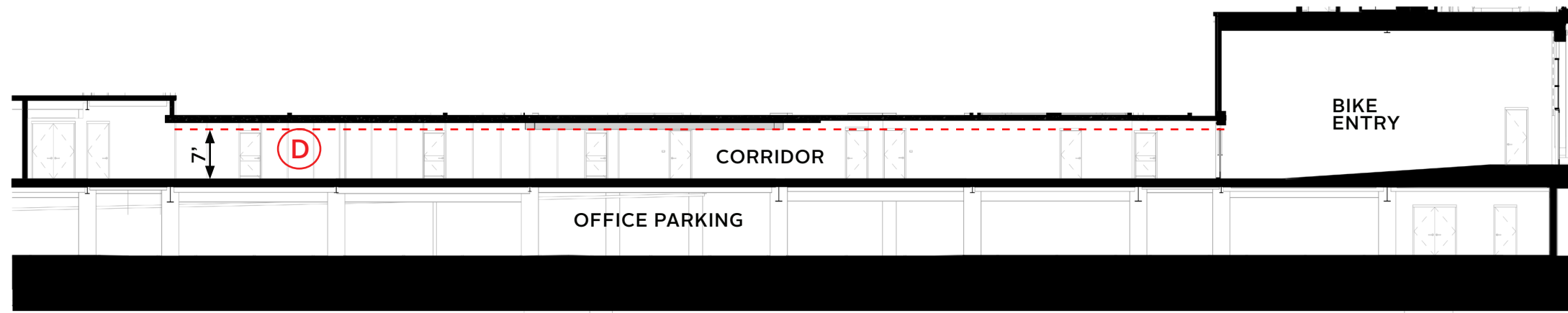
# LOWER LEVEL 1 FLOOR PLAN



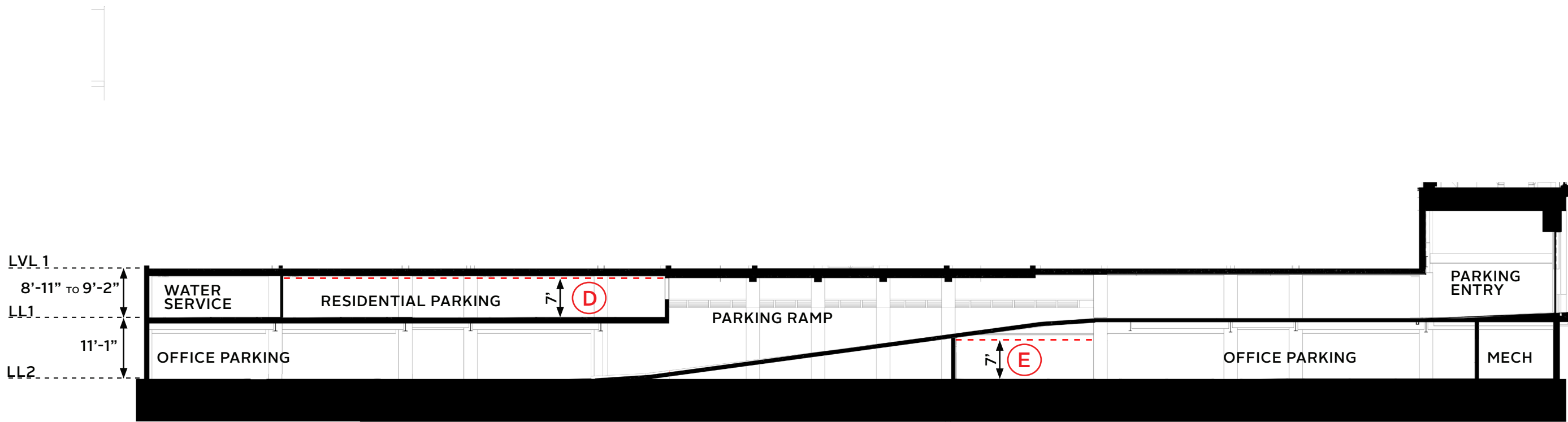


# LOWER LEVEL 2 FLOOR PLAN





SECTION 2



SECTION 1

SECTIONS



**A 21'-6" DRIVE AISLE AT REGULAR PARKING SPACES**  
EXISTING COLUMNS THAT ARE ENCASED IN CONCRETE TO SUPPORT THE NEW LEVEL 1 LOWERED SLAB CREATE A DRIVE AISLE THAT IS CONSTRAINED TO 21'-6"

**B 21'-2" PARKING ENTRANCE**  
EXISTING COLUMN LOCATIONS IN COMBINATION WITH THE GARAGE DOOR FRAME DIMENSIONAL REQUIREMENTS CREATE A CONDITION THAT IS CONSTRAINED TO 21'-2".

**C 21'-6" DRIVE AISLE AT ENTRY AND RAMP**  
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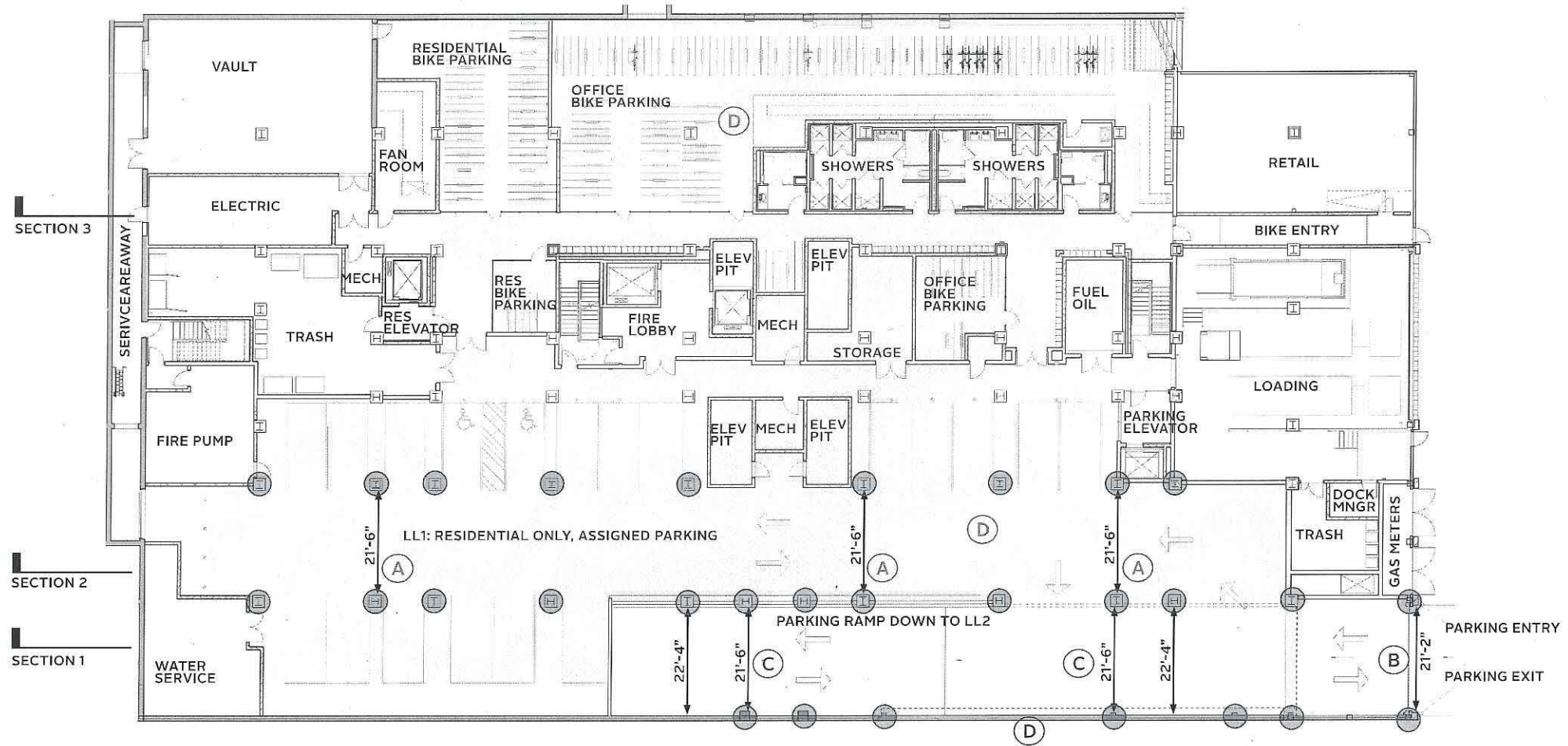
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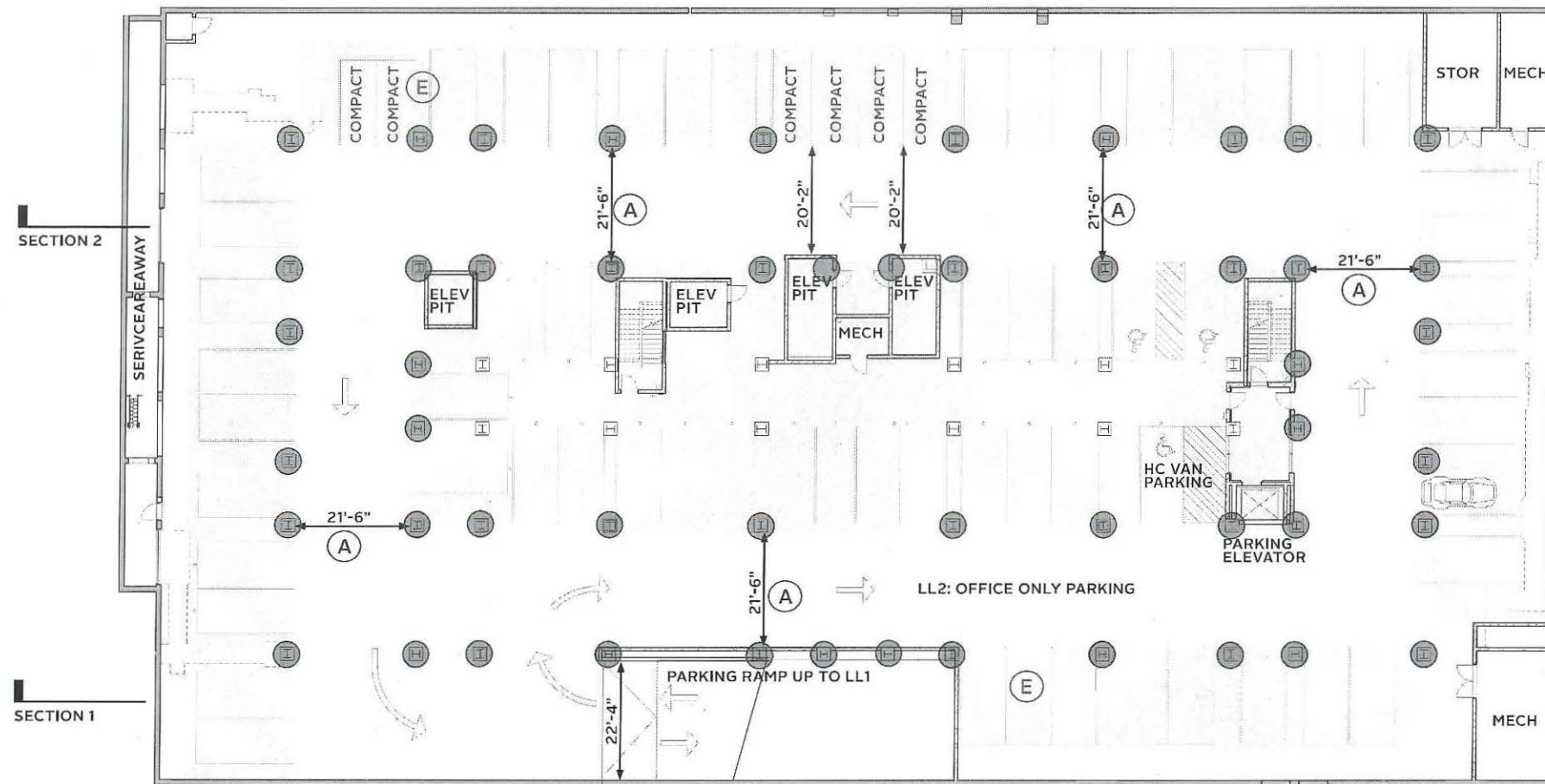


**LOWER LEVEL 1 FLOOR PLAN**

40 THORNDIKE | AUGUST 2020

LEGGAT MCCALL | ELKUS MANFREDI ARCHITECTS





**LOWER LEVEL 2 FLOOR PLAN**

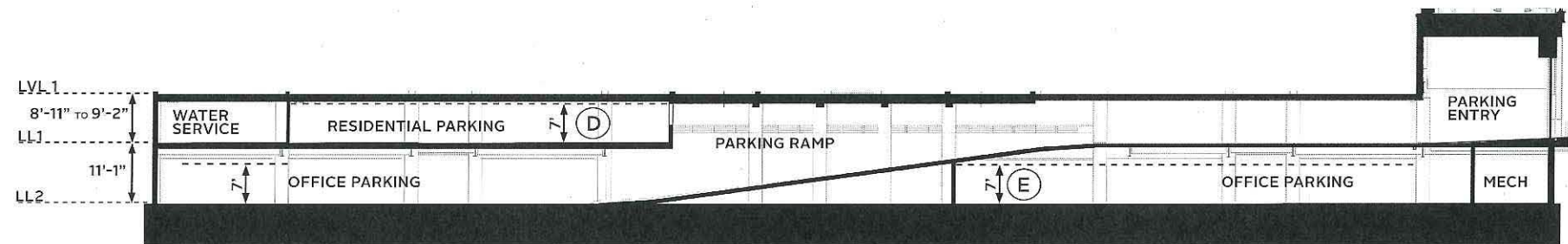
40 THORNDIKE | AUGUST 2020



LEGGAT MCCALL | ELKUS MANFREDI ARCHITECTS



SECTION 2



SECTION 1

SECTIONS





# City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

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

4 BZA

BZA

## POSTING NOTICE – PICK UP SHEET

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

Name: DUONG Huywh Date: 8/12/20  
(Print)

Address: 40 Thordike St.

Case No. BZA-017311-2020

Hearing Date: 8/27/20

Thank you,  
Bza Members



SECRET



100-100000

CONFIDENTIAL

SECRET

CONFIDENTIAL

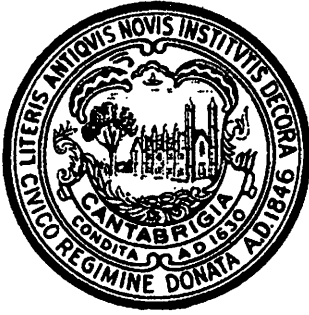
CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

August 13, 2020

To: The Board of Zoning Appeal

From: The Planning Board

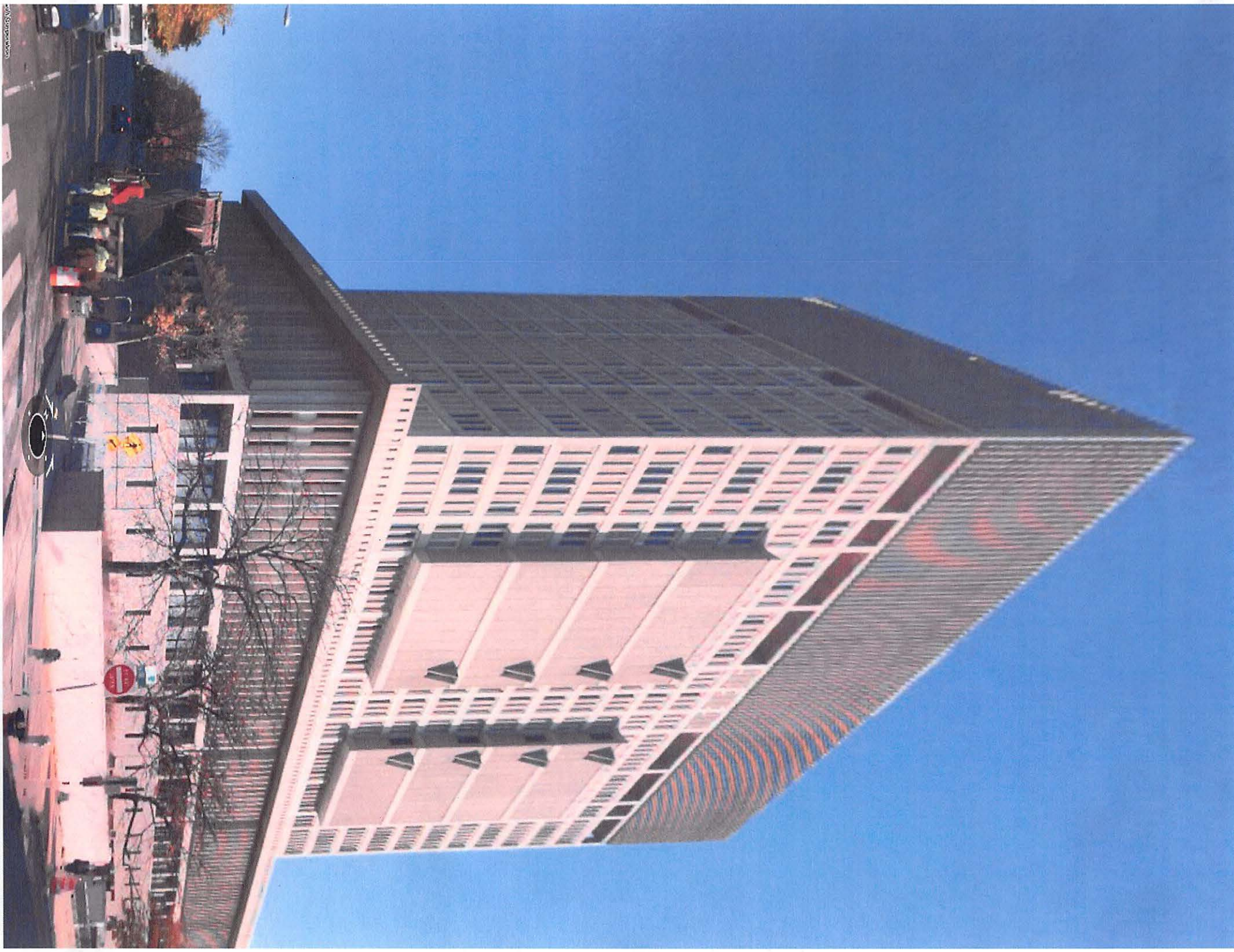
RE: BZA cases to be heard on August 27, 2020.

The Planning Board have no comments on the cases listed on the BZA agenda.

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40 Howard St.



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