



**APPLICANT MUST USE TYPEWRITER IN FILLING IN
THIS APPLICATION**

CITY OF BOSTON

Thomas M. Menino
Mayor

Certified Street Numbers

533 CAMBRIDGE ST
WD. 21

Street Numbering Inspector

APPLICATION TO THE INSPECTIONAL SERVICES COMMISSIONER FOR PERMIT: —

To erect building or structure, under provisions of Chapter 802 of the Acts of 1972 as Amended.

Certified street and number 533 CAMBRIDGE ST Within Fire Zone, Ward 21

Name of Owner UNION REALTY TRUST Address PO BOX 67141 CHESTNUT HILL, MA

Name of Architect or Engineer MCKAY ARCHITECTS Address 404 S HUNTINGTON AVE

Classification of building or structure — Pre-Code Post-Code Type of Construction

Dimensions of building or structure — Front 170.5' Right side 113' Left side 113' Rear 170.5'

Height from sidewalk or mean grade to highest point of roof 54'

Dimensions Lot — Front 200' Right side 101.25' Left side 163.6' Rear 209.5'

Main stairs X Back stairs X Fire escapes Con. balconies Any other

Material of — Foundation CONG Floors WOOD Walls STEEL Thickness of 6"

Roof construction EPDM Soil Party walls Thickness of

Floors	1	2	3	4	Any Others
Occupancy	GARAGE	12 UNITS	12 UNITS	14 UNITS	6 UNITS
Number of persons accommodated					
Designed live load					

Number of employees in building Proposed occupancy 44 UNIT RESIDENTIAL UNITS

Cubic Volume X \$ per cu. ft. Estimated cost 6,000,000.

GENERAL DESCRIPTION OF THE PROPOSED WORK AND ITS LOCATION

ERECT NEW FIVE STORY 44 RESIDENTIAL UNIT BUILDING ON PARCEL #1294 OF 618,800 SF

Date JUNE 9, 2006

The facts set forth above in this application and accompanying plans are a true statement made under penalty of perjury.

(Signature of Owner or Authorized Agent)

Telephone Number 617-966-6850

(Address) 404 S HUNTINGTON AVE J PLAIN 02130

(Signature of Licensed Builder)

Type Name of Person Signing

(Address) PO BOX 67141 CH. HILL
Lic. No. 049553 Class CS 0246
My license expires 8/19/06

Phone 617-571-0990

(Name of Contractor) HENRY DEVELOPMENT
(Address) PO BOX 67141 CHESTNUT HILL, MA 02467

Phone 617-571-0990

26

No. 26
26

3000 ZONING
B.F.D. FEE PAID
FEE PAID

APPLICATION FOR
Permit for Alterations, Repairs or
Change of Occupancy

No. 555
Location Cambridge W

COND. [unclear]
[unclear] yard

PERMIT ISSUED

7/8/03
704

Date issued
Permit granted 12-15-03
12

EXAMINATION OF PLANS

Approved 4/3/44 20

Supervisor of Plans.

Arch./Struc./Safety
APPROVED
as shown on plans

as shown on plans

EXAMINATION OF PLANS
PERMIT NUMBERS

Electrical Gas

Plumbing Sprinklers

Electrical APPROVED as shown on plans

Egress APPROVED as shown on plans

Plumbing Gas

H.V.A.C. Sprinklers

Mechanical APPROVED as shown on plans

IF-3000
ZONING
ALBEMarle

ZONING DIVISION
NOT APPROVED
15300

TO WH
[Signature]

BOARD OF APPEAL
DATE 11/15/03
PERMIT SUSTAINED WITH PROVISIONS
CASE # 1520-207102

INSPECTION REPORT
DATE

INSPECTION REPORT

This building is approved for satisfactory E
Signature of Inspe

7/1/03

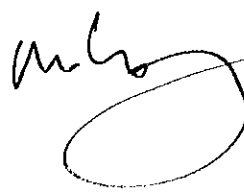
7103

MCKAY ARCHITECTS
78 FREMONT ST.
NEEDHAM, MA 02452
617-966-6850

REFERENCE: 533 CAMBRIDGE ST.
ALLSTON, MA.

WE REQUEST THAT THE NOMINAL FEE OF
\$300 BE CHARGED FOR THE PERMIT APPLICATION
TO CHANGE THE USE AND ADD ON 2
STORIES TO EXISTING 3 STORY STRUCTURE.
THE PROJECT WILL REQUIRE ALIENS FROM
THE ZONING CODE.

THANK YOU,

 MICHAEL
MCKAY

7103



BOSTON INSPECTIONAL SERVICES DEPARTMENT

THOMAS M. MENINO
Mayor

KEVIN J. JOYCE
Commissioner

September 2, 2003

Micheal McKay
75 Newbury Street
Boston MA 02116

LOCATION: 533 Cambridge Street
WARD: 21
ZONE: 1F-3000 All-Bri

APPLICATION #: 04-0026
DATE FILED: July 1, 2003
PURPOSE: Change occupancy to forty four residential units. Add two stories to existing three stories. Inside underground garage parking for 33 vehicles and outside 19 vehicles - total of 52 of street parking.

Self reviewed
D. Kelly
[Signature]

YOUR APPLICATION REQUIRES RELIEF FROM THE BOARD OF APPEAL AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED.

- Article 51, Section 08 Multi Family (F)
- Article 51, Section 09 FAR Excessive
- Article 51, Section 09 Height excessive
- Article 51, Section 09 Front Yard insufficient
- Article 51, Section 09 Side Yard insufficient
- Article 51, Section 09 Rear yard insufficient
- Article 30 Section 03 Handicap accessibility

No building code review was conducted as zoning refusal was requested with design documents. Conformance with 521 CMR Architectural accessibility will be required for all entrances and other features.

THIS DECISION MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED. APPLICATIONS NOT APPEALED WITHIN THAT TIME PERIOD WILL BE DEEMED ABANDONED. IF YOU HAVE INQUIRIES REGARDING THE NEIGHBORHOOD PROCESS AND PUBLIC PARTICIPATION, PLEASE CONTACT THE MAYOR'S OFFICE OF NEIGHBORHOOD SERVICES AT 1-617-635-3485.

[Signature]
Thomas O'Donnell
FOR THE COMMISSIONER
617 961-3285



THOMAS M. MENINO
Mayor

BOSTON INSPECTIONAL SERVICES DEPARTMENT

August 29, 2005 Rev #1 revised plan submitted
September 2, 2003

Michael McKay
75 Newbury Street
Boston MA 02116

LOCATION: 533 Cambridge Street
WARD: 21
ZONE: 1F-3000 All-Bri

APPLICATION #: 04-0026
DATE FILED: July 1, 2003
PURPOSE:

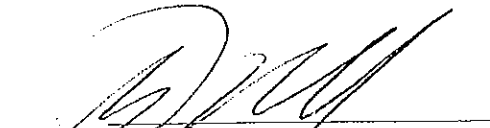
construct forty four residential units. . Inside underground garage parking for 61 vehicles and outside 10 vehicles - total of 71 off street parking. Demolish existing structure under separate permit

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Thomas O'Donnell
FOR THE COMMISSIONER
617 961-3285



CITY OF BOSTON

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

November 15, 2005
DATE

Decision of the Board of Appeal on the Appeal of

Union Realty Trust

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

533 Cambridge Street, Ward 21

in the following respect: Variance

Article(s): 51(51-8) 51(51-9: Floor Area Ratio & Height Excessive; Front, Side & Rear Yard Insufficient).

Demolish Existing Building. Erect new five-story forty-four unit residential building with underground parking for 61 vehicles & ten outside parking spaces.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BZC-26762 part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, October 25, 2005.

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, November 15, 2005 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit #04-0026 dated July 1, 2003 and plans submitted to the Board at its hearing and now on file in the Building Department.

lp



CITY OF BOSTON

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

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 BZC #26762
 November 15, 2005
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Decision of the Board of Appeal on the Appeal of

This appeal seeks permission to demolish the existing building and erect a new five-story 44 unit residential building with underground parking for 61 vehicles and 10 outside parking spaces.

The reason for this appeal is to allow the property owner to create much needed residential housing in the Allston-Brighton neighborhood while replacing an existing blighted property which has no historic or other value to the surrounding neighborhood. The proposed relief requires a Variance from the terms of the Boston Zoning Code as follows: Article 58, Section 8 and Section 9.

The appellant submits that the Board should grant the requested relief for a number of compelling reasons summarized herein:

- 1) **Development of Housing/Affordability:** The appellant submits and the Board finds that there is a severe need in the City of Boston generally and the Allston/Brighton neighborhood in particular for high-quality market-rate and affordable residential housing. The proposed project would replace an existing blighted building, formerly occupied as a nursing home, with 44 new generously-sized and appropriately-designed residential units, of which up to six (6) units will be dedicated as affordable, with ample on-site parking. The appellant submits that the proposed use is not detrimental to the neighborhood, but rather consistent with the housing goals of the City of Boston and the Boston Redevelopment Authority (BRA) with regard to the creation of market-rate and affordable housing. The Appellant further submits and the Board finds that the proposed use is not detrimental to the neighborhood as indicated by the support of the Allston Civic Association (ACA) and the Brighton Allston Improvement Association (BAIA) and the letters and petitions of support presented during the BRA Article 80 review process and provided at the public hearing before the Board.
- 2) **Consistency with Planning and Removal of Nuisance:** The proposed project is entirely consistent with long-established planning guidelines for the Allston-Brighton neighborhood in that it replaces a dilapidated structure that fails to appropriately transition with abutting structures, with an architecturally pleasing residential building that blends with the surrounding streetscape. Further to this, the Appellant has received continuing requests from neighbors to clean and board-up the premises, which were being overrun by rodents, weeds and garbage and were also becoming an attractive nuisance for underage drinking and unauthorized overnight use as a place to sleep. The Appellant at all times responded quickly to these requests and cleaned and secured the property. The replacement of this unsightly existing building to create much-needed residential units is appropriate both in terms of the housing needs in the City and the stabilization of this portion of Cambridge Street and the Allston-Brighton neighborhood generally. Taken together, the proposed project will result in a pleasing and appropriate transition residential building in place of a dilapidated and potentially nuisance-causing structure.



CITY OF BOSTON

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

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- 3) Community Involvement/Support: The appellant submits that the Board should grant the requested relief because to do so would not be detrimental to the surrounding neighborhood but, rather, result in an appropriate residential re-development that was properly and extensively processed with input by the surrounding community. In this regard, as part of its community outreach activities, the appellant met with the Allston Civic Association (ACA), the Brighton Allston Improvement Association (BAIA), local elected and appointed officials, nearby residents and other interested parties to seek input in and support for the proposed project. In addition, the Appellant undertook a lengthy review process as part of the BRA Article 80 review, which included a publicly noticed meeting in the neighborhood after which the project was approved by the BRA Board. As a result of this outreach, the ACA and BAIA voted to support the project and, at the public hearing before the Board, District City Councilor McDermott was recorded in support of the application, as were the Council of Carpenters, Local 103 of the International Brotherhood of Electrical Workers, the Mayor's Office of Neighborhood Services and the Boston Redevelopment Authority, subject to the proviso herein.

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood. The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 of the Zoning Code

CITY OF BOSTON



BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

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Decision of the Board of Appeal on the Appeal of

have been met and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.

Therefore, acting under its discretionary power, the Board (the members and/or substitute members sitting on this appeal) unanimously voted to grant the requested variance as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit, in accordance with this decision, with the following provisos which, if not complied with, shall render this decision null and void.

APPROVED AS TO FORM:

[Signature]
Assistant Corporation Counsel

PROVISO:

Subject to design review by the BRA.

A True Copy,
Attest
[Signature]
DARRYL SMITH
ASST. COMMISSIONER

DEC 06 2005

SIGNED *[Signature]*
CHRISTINE ARAUJO - SECRETARY

ANGELO BUONOPANE
[Signature]
PETER CHIN

[Signature]
MICHAEL MONAHAN

[Signature]
ANTHONY PIRAKI

[Signature]
ROBERT SHORTSLEEVE - Chairman

b members only!