

CHARLES D. BAKER
GOVERNOR



EDWARD A. PALLESCHI
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

KARYN E. POLITO
LIEUTENANT GOVERNOR

**Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
Architectural Access Board**

DIANE M. SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

1000 Washington St., Suite 710 • Boston • MA • 02118
V: 617-727-0660 • www.mass.gov/aab • Fax: 617-979-5459

APPLICATION FOR VARIANCE

Docket: _____

(Staff Only)

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
 - a. Information on the Variance Process can be found at: <https://www.mass.gov/guides/applying-for-an-aab-variance>.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Please ensure that attached documents are no larger than 11" x 17".
- 4) Sign the Application.
- 5) If the applicant is not the owner of the building or his or her agent, include a signed letter from the owner granting permission for you to apply for variance.
- 6) Burn copies of the application and all attached documents onto a Compact Disc (CD or DVD only, no flash drives will be accepted).
- 7) Provide full copies of the application and all attached documentation, on both Paper and CD/DVD to the:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located) (A list of all active Disability Commissions can be found at: <https://www.mass.gov/commissions-on-disability>), and
 - c. The Independent Living Center (ILC) for your area.
(Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 8) Provide to the Board:
 - a. A completed copy of the application and all attached documents,
 - b. A copy of the CD/DVD,
 - c. The completed, signed, and notarized Service Notice (included as Page 5 of this application).
 - d. A check or money order in the amount of \$50 dollars, made out to the Commonwealth of Massachusetts.

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

1. State the name and address of the building/facility:

58 Day Street, Somerville, MA 0 2144

2. State the name and address of the **owner** of the building/facility:

ASANA PARTNERS

1616 CAMDEN ROAD SUITE210, CHARLOTTE, NC 28203

E-mail: _____

Telephone: 704.423.1660

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

REFER TO ATTACHED REPORT.

4. Total square footage of the building: 81,300 sqft Per floor: No more than 21,800 sqft

a. total square footage of tenant space (if applicable): _____

5. Check the work performed or to be performed:

____ New Construction ____ Addition
x ____ Reconstruction/Remodeling/Alteration ____ Change of Use

6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

REFER TO ATTACHED REPORT.

7. Are you seeking temporary relief? Yes No

a. If temporary relief is sought, what is the proposed deadline?

8. State each section of the Architectural Access Board's Regulations (521 CMR) for which a variance is being requested

(Please note the Board will NOT consider requests for relief from Section 3, please list the specific items triggered by Section 3 where relief is being sought):

SECTION NUMBER	LOCATION OR DESCRIPTION
25.1	Accessible Route at Elm Street Entrance
_____	_____
_____	_____
_____	_____

If requesting relief to 5 or more sections, use the Large Variance Tally Sheet available on the "Forms and Applications" page of the Board's website (<http://www.mass.gov/aab>)

9. Is the building historically significant? yes no. **If no, go to number 10.**

9a. If yes, check one of the following and indicate date of listing:

- _____ National Historic Landmark
- _____ Listed individually on the National Register of Historic Places
- _____ Located in registered historic district
- _____ Listed in the State Register of Historic Places
- _____ Eligible for listing

9b. If you checked any of the above **and** your variance request is primarily based upon the historical significance of the building, you *must* complete the ADA Consultation Process of the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125.

10. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (*use additional sheets if necessary*), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

REFER TO ATTACHED REPORT

11. Which section of the Board's Jurisdiction (*see Section 3 of the Board's Regulations*) has been triggered?

3.2 3.3.1a 3.3.1b 3.3.2 3.4 Other (List Section) _____

12. List **all** building permits that have been applied for within the past 36 months, include the issue date and the listed value of the work performed:

<u>Permit #</u>	<u>Date of Issuance</u>	<u>Value of Work</u>
		\$ 0.00
None		

(Use additional sheets if necessary.)

13. List the anticipated construction cost for any work not yet permitted:

\$11.5 million

14. Has a certificate of occupancy been issued for the facility? Yes No

If yes, state the date it was issued: _____

15. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? Yes No

a. If so, list the AAB docket number of the complaint _____

16. For existing buildings, state the actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located:

\$ 4,868,500.00

Is the assessment at 100%? NO _____

If not, what is the town's current assessment ratio? 0.93 _____

17. State the phase of design or construction of the facility as of the date of this application:

Construction Drawings

18. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:

Perkins & Will

225 Franklin St, Boston, MA 02110

E-mail: Ryan.Kurlbaum@perkinswill.com

Telephone: 617.406.3458

19. State the name and address of the building inspector responsible for overseeing this project:

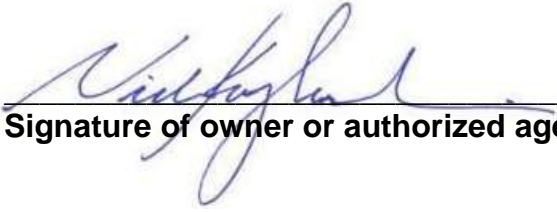
Somerville Inspectional Services

1 Franey Rd. Somerville, MA 02145

E-mail: isd@somervillema.gov

Telephone: 617-625-6600

Date: 8/26/2021


Signature of owner or authorized agent (required)

PLEASE PRINT:

NICK KOZLOWSKI

Name

JENSEN HUGHES

Organization (If Applicable)

One Research Drive

Address

Suite 305C

Address 2 (optional)

Westborough

MA

01581

City/Town

State

Zip Code

NKOZLOWSKI@JENSENHUGHES.COM

E-mail

978-994-0799

Telephone

SERVICE NOTICE

I, NICK KOZLOWSKI, as AUTHORIZED AGENT
(name) (relationship to the applicant)
for the Petitioner ASANA PARTNERS submit a
(name of the applicant)
variance application filed with the Massachusetts Architectural Access Board on 08/26/2021.
(date variance submitted)

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>	<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1 Building Department Somerville Inspectional Services 1 Franey Rd. Somerville, MA 02145	via email	08/26/2021
2 Local Commission on Disability (If Applicable) Bonnie Denis Chairperson Commission for Persons with Disabilities C/O Emily Monea City Hall 93 Highland Avenue SOMERVILLE, MA 02143 617-625-6600 x2323	via email	08/26/2021
3 Independent Living Center BOSTON CENTER FOR INDEPENDENT LIVING 60 Temple Place, Boston, MA 02111	via email	08/26/2021

AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.


Signature: Appellant or Petitioner

On the 26 Day of August 2021
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Nick Kozlowski

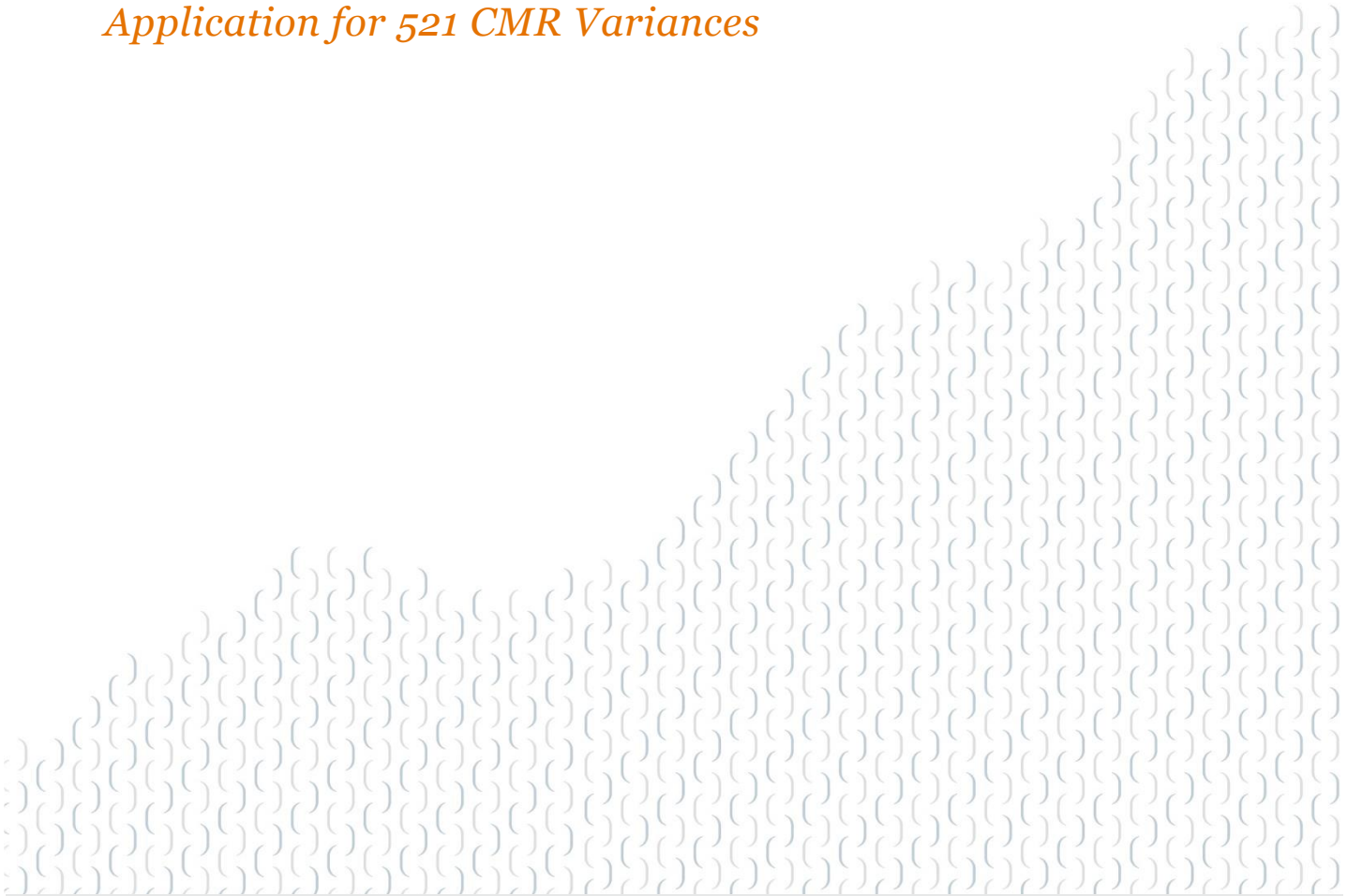
(Type or Print the Name of the Appellant)


NOTARY PUBLIC


MY COMMISSION EXPIRES

**58 DAY STREET, DAVIS SQUARE PLAZA
SOMERVILLE, MA 02144**

Application for 521 CMR Variances



JENSEN HUGHES

Advancing the Science of Safety

PREPARED FOR

Massachusetts Architectural Access Board
1000 Washington Street
Boston, MA 02118

Project #: 1NKO00123

Date: 8/26/2021

Josh Rucker
One Research Drive
Suite 305C
Westborough, MA 01581
O: +1 860-327-8946
C: +1 617-461-9625

josh.rucker@jensenhughes.com

Table of Contents

1.0 INTRODUCTION 3

2.0 SUMMARY OF REQUESTED VARIANCE 4

3.0 CONCLUSION 7

APPENDIX A. AP DAVIS SQ PLAZA LLC (OWNER) AUTHORIZATION LETTER 8

1.0 Introduction

This variance request is specific to an intended alteration project (“the Project”) at 58 Day Street and 274-280 Elm Street in Somerville, Massachusetts, which as it pertains to 780 CMR, are considered one single building. The Project includes renovations to future tenant space located on 4-stories. The Project will include gut renovations to much of the existing building’s interior layout and MEP systems. The building is (will be) primarily used as a mixed-use office building. Ground level tenant retail space currently exists and is outside the scope of this tenant improvement project.

The assessed building-only value of the 58 Day Street building is approximately \$3,245,200. The assessed building-only value of 278 Elm Street is \$1,623,300. The assessment ratio for commercial properties in the City of Somerville in 2020 is 0.93. The aggregate full and fair cash value for the 58 Day Street Building and 278 Elm Street Building is estimated at \$5,243,946.24 (\$4,868,500 / 0.93). Based on the configuration of the building and the proposed renovations it is recommended the building be considered one building when applying 521 CMR §3.3. As such the cost of construction is anticipated to amount to 30% or more of the full and fair cash value of the building. As a result, the entire building is required to comply fully with the new construction accessibility requirements of 521 CMR (521 CMR §3.3.2) and certain provisions of the 2010 Americans with Disabilities Act Standards for Accessible Design (ADAS).

As part of the Project renovations, all existing features of accessibility will be repaired or modified to comply with 521 CMR. In one instance, the Owner (AP Davis SQ Plaza LLC) is seeking relief from 521 CMR §25.1 so as to maintain an existing inaccessible building entrance in its existing configuration due to impracticability. Refer to excerpt from 521 CMR §25.1 below.

25.1 GENERAL

All public entrance(s) of a building or tenancy in a building shall be accessible. Public entrances are any entrances that are not solely service entrances, loading entrances, or entrances restricted to employee use only.

Jensen Hughes submits this request for a variance pursuant to 521 CMR §4.1. Written authorization from the Owner for Jensen Hughes to apply for this variance is included in Appendix A of this report.

2.0 Summary of Requested Variance

The Building has two public entrances. One entrance is located on Day Street and the other is located on Elm Street. Both entrances serve the project area. Other ground-level tenants (retail) have separate dedicated entrances. Refer to Figure 1 below for the building entrance locations serving the tenant improvement area.



Figure 1 – Public Entrance Locations to Tenant Improvement Space

The existing entrance on Day Street is accessible with only minor deficiencies. These existing minor deficiencies will be repaired as part of the Project renovations so that the entrance is fully compliant with 521 CMR. The Day Street entrance provides access to a new elevator system which will provide accessible vertical circulation to all tenant spaces on Levels 2, 3, and 4.

The existing entrance on Elm Street serves as public entrance to tenant spaces on Level 2 only. The entrance contains a stairway to Level 2 on the interior side (Refer to Figure 2). The accessible entrance on Day Street serves the same tenant spaces served by the Elm Street entrance.

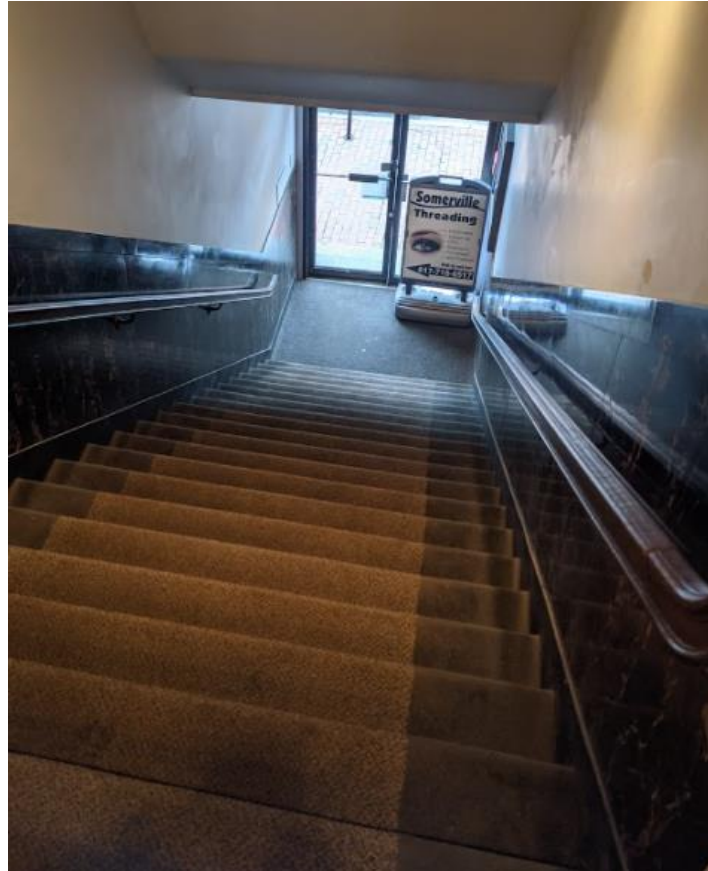


Figure 2 - Elm Street Building Entrance Photograph

In its existing configuration, the Elm Street entrance does not provide an accessible route to the tenant spaces on Level 2. The stairs at this entrance contain minor deficiencies (riser heights, handrails, etc.) which will be repaired as part of the Project renovations to comply with 521 CMR.

Due to the existing configuration of the interior stair at the Elm Street entrance in relation to the adjacent tenant retail spaces located on the ground floor, relief is sought from 521 CMR §25.1 as it is believed to be impracticable to make the Elm Street entrance accessible. Reconfiguration of the tenant space, alteration to the exterior stair, entrance door, and interior stairs would be required so as to make the entrance on Elm Street accessible and/or provide accessible vertical circulation within the same area of the existing interior stairs at the Elm Street entrance. As such, it is believed compliance with 521 CMR would result in excessive and unreasonable costs without substantial benefit to persons with disabilities understanding the Day Street entrance is fully accessible. Refer to Figure 3 identifying the Elm Street entrance location in relation to the adjacent tenant retail space(s).

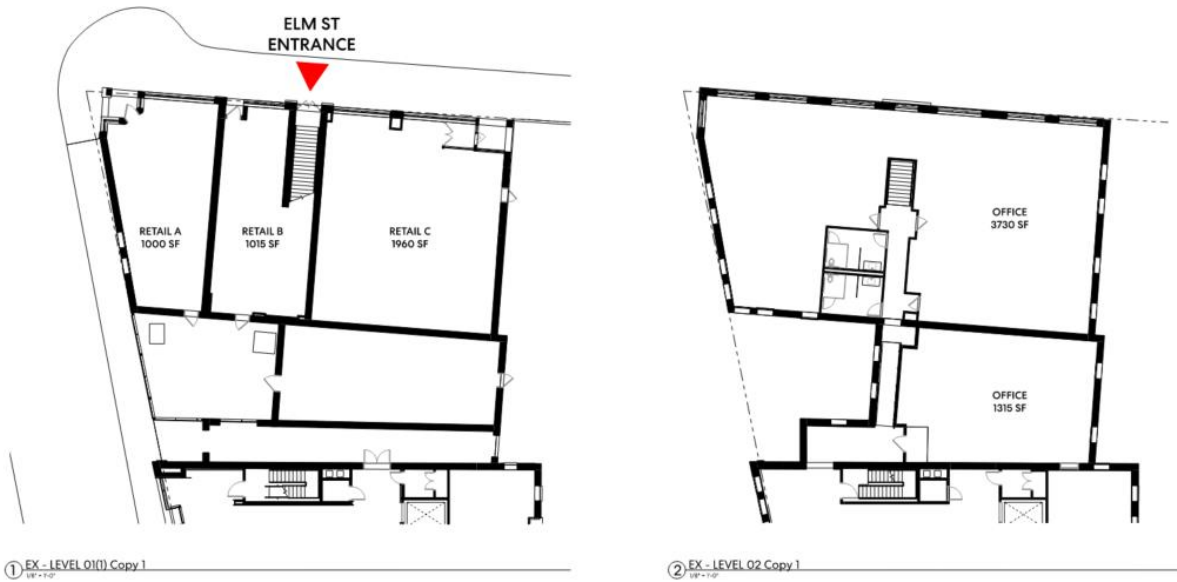


Figure 3 – Elm Street Interior Stair and Tenant Retail Space Configuration

The accessible entrance on Day Street is located around the corner from Elm Street on an accessible route along the public right of way (sidewalk). The travel distance between the Elm Street entrance and Day Street entrance is approximately 160 feet. Directional signage indicating the nearest accessible entrance located on Day Street will be provided at the Elm Street entrance along with signage at the Day Street entrance identified by the International Symbol of Accessibility as required per 521 CMR §41.1.3.

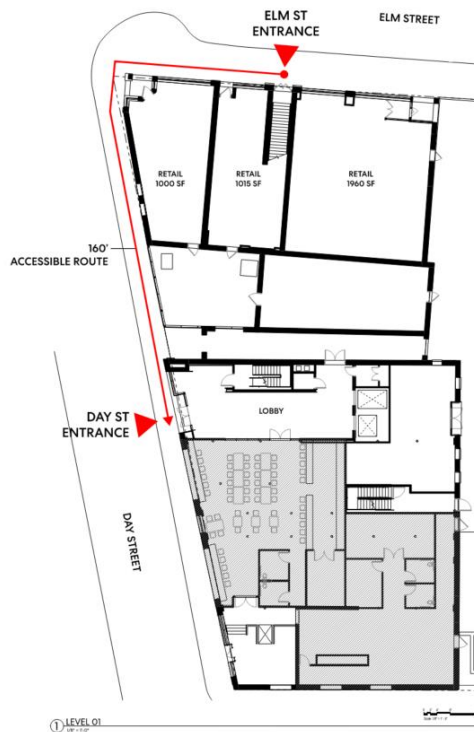


Figure 3 - Distance between Elm Street Entrance and Day Street Entrance

3.0 Conclusion

The proposed renovations to the building at 58 Day Street and 274-280 Elm Street are intended to fully comply with the requirements of 521 CMR as required per 521 CMR §3.2 except for any approved Massachusetts Architectural Access Board (MAAB) variance. As 521 CMR §25.1 requires all public entrances be accessible relief is sought from 521 CMR §25.1 for the Elm Street entrance as it is believed to be impracticable due to excessive costs to make the Elm Street entrance accessible, including accessible vertical circulation, based on the existing configuration of the entrance, interior stair, and adjacent tenant retail space(s). Directional signage indicating the accessible entrance location on Day Street is intended to be installed at the Elm Street entrance to remediate access.

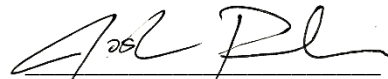
If you have any questions with respect to the above information, please do not hesitate to contact me via phone at 860-327-8946 or via email at josh.rucker@jensenhughes.com. Your consideration of this proposed variance is much appreciated.

Sincerely,

JENSEN HUGHES



Nick Kozlowski, PE
Senior Fire Protection Engineer



Josh Rucker
Sr. Accessibility Consultant

Appendix A. AP Davis SQ Plaza LLC (Owner) Authorization Letter



August 24, 2021

Massachusetts Architectural Access Board
1000 Washington Street, Suite 701
Boston, MA 02118

Re: 58 Day Street, Somerville, MA 02144
Application for 521 CMR Variance

Dear Members of the Board:

AP Davis Square Plaza, LLC hereby authorizes Jensen Hughes to act as our agent in the application for variance(s) associated with the renovation of the Building at 58 Day Street, Somerville, MA 02144 pursuant to 521 CMR §4.1.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W Liles', is written over a horizontal line.

Welch Liles
Director - Development
AP Davis Square Plaza, LLC
Asana Partners