Name	**Fox Club**	**Docket #**	V 23 - 124
Address	**44 JFK Street**	**Docket #**	C -
City	**Cambridge**	**Hearing**	6/15/2026
Bldg Type		**Time of hearing**	**2:00 PM**
Complaint's Name		**Plans on file?**	
Complaint ?	**Variance ?**	**Request for continuance?**	

Jurisdiction: 3.3.1.b. if the work costs $100,000 or more, then the work being performed is required to comply with 521 CMR. In addition, an accessible public entrance and an accessible toilet room, telephone, drinking fountain (if toilets, telephones and drinking fountains are provided) shall also be

Building Permits: 243766
Anticipated construction costs: $3,528,000

Assessed Value: $481,200

Exhibit: 1
V23-124
AAB 1-288

Variances to be addressed:

Petitioner seeks relief from 41.3: Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1, and a stroke-width-to-height ratio between 1:5 and 1:10.

On June 9, 2023 the Board received an application for relief for the above mentioned address and at the July 24, 2023 meeting the Board voted to continue for more information. On August 1, 2023 the Board received additional information from the petitioner and at the August 7, 2023 meeting the Board voted to Grant relief to 25.1, 26.1 as proposed, to Grant relief to 27.1 on the condition that compliant handrails are provided at the stairs from the entrance to the grand foyer, and to Continue for more information for 28.1. (See AAB 93-288)

On August 15, 2023 the Board received additional information from the Petitioner and at the September 11, 2023 meeting the Board voted to Grant relief to 28.1 & 28.12.3 and to Grant relief to 8.1 for this use only (See AAB 75-92).

On December 5, 2023 the Board received an amended application for variance and at the December 11, 2023 meeting the Board voted to Grant relief to 20.11 and to Grant relief to 30.7.1 on the condition that auto door openers are provided. (See AAB 49-74)

On January 24, 2025 the Board received an amended application for variance and at the February 10, 2025 meeting the Board voted to temporarily Grant relief to 28.1 until May 1, 2025 and to Deny relief to 41.1.1. (See AAB 19-48)

On December 19, 2025 the Board received a status report from the petitioner and on January 12, 2026 the Board voted to Accept the status report. (See AAB 10-18)

On February 9, 2026 the Board received a Request for an Adjudicatory Hearing and on February 10, 2026 the Notice was sent to all appropriate parties. (See AAB 2-9)

Outlook

44 JFK Street, Cambridge- Notice of Hearing

From Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Date Tue 2/10/2026 8:26 AM
Bcc Don Mills <donmills@millswhitaker.com>; john.macarthur@ca.abb.com <john.macarthur@ca.abb.com>; TJones@sk-assoc.com <tjones@sk-assoc.com>; ccpd <ccpd@cambridgema.gov>; Tanenhaus, Rachel (EXT) <rtanenhaus@Cambridgema.gov>; Michael Muehe <Mmuehe@bostoncil.org>; ISD <isd@cambridgema.gov>; Richard, Andrew <arichard@cambridgema.gov>

1 attachment (555 KB)
Notice of Hearing.pdf;

Good morning,

Please find attached the Notice or Decisions for the above referenced case.

If you require a paper copy of a Notice or Decision, you may contact me to request one but be aware that the delivery of physical copies may be delayed.

If you wish to appeal the decision made in this case, you can fill out and send in an Adjudicatory Hearing Request form available here.

If you have any questions, please do not hesitate to get in touch with the Board's staff.

Thank you,
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1 Federal Street, 6th Floor
Boston, MA 02110-2012
www.mass.gov/AAB
617-727-0660

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1 Federal St., 6th Floor
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

VARIANCE HEARING

Docket Number **V 23 124**

RE: Fox Club, 44 JFK Street, Cambridge

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, **June 15, 2026** at **2:00 PM** Remote meeting information will be sent out prior to the hearing date.

This hearing is upon an application for variance filed by: Donald W. Mills, RA for modification of or substitution of the following Rules and Regulations: 41.3
A copy of the request is available for public inspection during regular business hours.

You should be aware that the burden of proof is upon the applicant requesting a variance to prove that compliance is either: 1. technologically infeasible or; 2. the cost of compliance is excessive without substantial benefit to a person with a disability.

This hearing will be conducted in accordance with the procedures set forth in M.G.L., c. 30A, and 801 CMR 1.02, the Informal/Fair Hearings Rules. At the hearing, each party may be represented by counsel, may present evidence and may cross examine opposing witnesses.

PLEASE NOTE: Requests for the continuance of a hearing must be received no later than fourteen (14) days prior to the scheduled hearing date. Continuances are granted at the Board's discretion only.

ARCHITECTURAL ACCESS BOARD

Dawn Guarnaccia WJ

Chairperson

Date: February 10, 2026

cc: Local Building Inspector
Independent Living Center
Local Disability Commission

AAB 3

	Commonwealth of Massachusetts **Division of Occupational Licensure** **Office of Public Safety and Inspections** **Architectural Access Board** 1 Federal St., Suite 0600 • Boston • MA • 02110-2012 V: 617-727-0660 • www.mass.gov/aab	Docket Number _____ (Office Use Only)

Docket Number: V23124
(Staff Use Only)

REQUEST FOR ADJUDICATORY HEARING

RE: Fox Club,44 JFK Street, Cambridge, MA
(Name and address of building as appearing on application for variance)

I, John Robert MacArthur, do hereby request that the Architectural Access Board conduct an informal Adjudicatory Hearing in accordance with the provisions of 801 CMR Rule 1.02 et. seq. as I am aggrieved by the decision of the Board with respect to Section(s)

521 CMR 41.3 - Character Proportions

of the Rules and Regulations of the Architectural Access Board, 521 CMR.

I understand that I may request such a hearing within **thirty (30) days** of receipt of the Notice of Action.

Date: Feb. 09, 2026

_____
Signature

PLEASE PRINT:

John Robert MacArthur
Name

1811 Hymus Blvd.
Address

Dorval	Quebec	H9J 2H4
City/Town	State	Zip Code

john.macarthur@ca.abb.com
E-mail

1-864-432-4643
Telephone

PLEASE NOTE:
This form must be received by the Board within thirty (30) days after receipt of the Notice of Action.

AAB 4

Outlook

Re: 44 JFK Street, Cambridge

From Don Mills <donmills@millswhitaker.com>
Date Wed 2/4/2026 10:03 AM
To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Joyce, William (DPL) <William.Joyce@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thanks. If they don't, we will just have the signs replaced and submit photo documentation.

Don Mills
iSent via iPhone

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Sent: Wednesday, February 4, 2026 9:43:50 AM
To: Don Mills <donmills@millswhitaker.com>; Joyce, William (DPL) <William.Joyce@mass.gov>
Subject: Re: 44 JFK Street, Cambridge

Hi Don,

Yes, the manufacturer can submit the hearing request if they would like to.

Thanks,
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1 Federal Street, 6th Floor
Boston, MA 02110-2012
www.mass.gov/AAB
617-727-0660

From: Don Mills <donmills@millswhitaker.com>
Sent: Wednesday, February 4, 2026 9:39 AM
To: Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Subject: Re: 44 JFK Street, Cambridge

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Will & Molly,

I am pressing the exit sign manufacturer to seek approval for their wheelchair symbols since they represent them as the “International Symbol of Accessibility” without exact compliance with the published symbol. Since the “Amended Notice of Action" issued on January 13 notes that “any person aggrieved” may request an adjudicatory hearing within 30 days, can you confirm that the request can be submitted by the manufacturer and not by the original applicant?

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

From: Don Mills <donmills@millswhitaker.com>
Date: Thursday, January 22, 2026 at 12:44
To: Joyce, William (DPL) <William.Joyce@mass.gov>, Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Subject: Re: 44 JFK Street, Cambridge

I concur and appreciate your input.

From: Joyce, William (DPL) <William.Joyce@mass.gov>
Date: Thursday, January 22, 2026 at 12:34
To: Don Mills <donmills@millswhitaker.com>, Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Subject: Re: 44 JFK Street, Cambridge

Good afternoon,

I can't say we've ever issued correspondence specifically approving any alternative design. I don't believe what is shown would qualify as compliant. If it were just a de minimus deviation in terms of proportions we wouldn't have an issue.

I would suspect this is a case where the seller is more interested in advertising than accuracy.

Sincerely,

William Joyce
Executive Director
He/Him/His
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1 Federal Street, 6th Floor
Boston, MA 02118
617-727-0660
www.mass.gov/aab

From: Don Mills <donmills@millswhitaker.com>
Sent: Thursday, January 22, 2026 12:16 PM
To: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Cc: Joyce, William (DPL) <William.Joyce@mass.gov>
Subject: Re: 44 JFK Street, Cambridge

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Molly,

The exit sign manufacturer suggests that the attached symbol is "MA Compliant" but in my opinion it is not a perfect match to the "International Symbol of Accessibility" in 521 CMR 41.1.3.e, Figure 41a. The line proportions of the body and wheelchair in the proposed symbol do not match, and the legs have no feet. Has this been previously approved by the AAB or is the manufacturer mistaken? (Their literature also states that the default symbol, which looks like a wheelchair in a hurry to exit, complies with the "International Symbol of Accessibility" and that is not the case.)

Please advise and I appreciate your input as we sort this out.

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

From: Don Mills <donmills@millswhitaker.com>
Date: Wednesday, January 14, 2026 at 09:31
To: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Cc: Joyce, William (DPL) <William.Joyce@mass.gov>
Subject: Re: 44 JFK Street, Cambridge

OK. Thanks for clarifying. We will work with the contractor to replace those and send updated photos. Appreciate it.

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Date: Wednesday, January 14, 2026 at 09:29
To: Don Mills <donmills@millswhitaker.com>
Cc: Joyce, William (DPL) <William.Joyce@mass.gov>
Subject: Re: 44 JFK Street, Cambridge

Hi Don,

I believe that the symbol itself is not the correct symbol, as it does not match the International Symbol of Accessibility: Guidance on the International Symbol of Accessibility

Image of the accurate ISA is also shown in 521 CMR 41. (Figure 41a)

Please let me know if this helps.

Thank you,
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1 Federal Street, 6th Floor
Boston, MA 02110-2012
www.mass.gov/AAB
617-727-0660

From: Don Mills <donmills@millswhitaker.com>
Sent: Wednesday, January 14, 2026 9:24 AM
To: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Subject: Re: 44 JFK Street, Cambridge

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Molly,

The symbol was used on illuminated signs to mark the accessible exits as shown in the photos. The exit without the symbol is the front exit that received relief under the variance. Please clarify what is missing.

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Date: Wednesday, January 14, 2026 at 08:25
To:
Subject: 44 JFK Street, Cambridge

Good morning,

Please find attached the Notice or Decisions for the above referenced case.

If you require a paper copy of a Notice or Decision, you may contact me to request one but be aware that the delivery of physical copies may be delayed.

If you wish to appeal the decision made in this case, you can fill out and send in an Adjudicatory Hearing Request form available here.

If you have any questions, please do not hesitate to get in touch with the Board's staff.

Thank you,
Molly

Molly Griffin
Program Coordinator
She/Her/Hers
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1 Federal Street, 6th Floor
Boston, MA 02110-2012
www.mass.gov/AAB
617-727-0660

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

ERIC PALEY
SECRETARY, EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Architectural Access Board

1 Federal St., 6th Floor
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF OCCUPATIONAL LICENSURE

Docket Number **V 23 124**

AMENDED NOTICE OF ACTION

RE: Fox Club, 44 JFK Street , Cambridge

On December 19, 2025 , the Architectural Access Board received a filing in the above referenced matter. This filing was subsequently reviewed by the Board at its meeting on January 12, 2026 .

After reviewing the information provided, the Board voted to accept the filing.

ACCEPT all work subject to the temporary request for relief has been completed, and

FIND that the emergency egress signs do not comply with 521 CMR 41.1.3 as they do not include the International Symbol of Accessibility (see Figure 41a).

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: January 13, 2026

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Gunnella WJ
Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 10

Outlook

V23-124 / 44 JFK Street, Cambridge

From Don Mills <donmills@millswhitaker.com>
Date Fri 12/19/2025 4:16 PM
To Joyce, William (DPL) <William.Joyce@mass.gov>
Cc Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

1 attachment (5 MB)
Fox Club MAAB Closeout 251219.pdf;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Will,

Attached please find our completion report for the work related to V23-124 at 44 JFK Street in Cambridge. Let me know if you need any additional information.

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

MILLS WHITAKER ARCHITECTS
ARLINGTON MA www.millswhitaker.com BRIDGTON ME

DATE: 19 December 2025

FACILITY: **FOX CLUB**
44 JFK Street
Cambridge MA 02138

SUBJECT: V23-124

RE: Project Completion Report

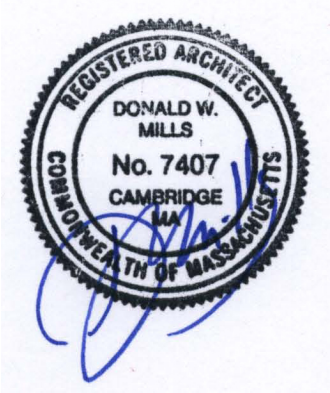
The renovation project at the Fox Club (circa 1902) in the Harvard Square National Register Historic District has completed its work to preserve historic character while also greatly improving the facility for compliance with 521 CMR. The focus of the work made significant improvements for access to this important facility, and key variances were granted by the Massachusetts Architectural Access Board to allow for appropriate improvements.

The project provided an addition that includes an elevator, stairs, and two accessible means of egress at grade. Original historic entrances were preserved and variances from 521 CMR 25.1 were requested and granted. Accessible restrooms were provided at each of the three public levels of the building, and stair railings were provided while preserving guardrails. Door improvements were made with accessible hardware and maneuvering clearances.

Captioned photos are attached to document key elements of the work as proposed and implemented. To the best of my knowledge and belief, all work has been successfully completed and complies with accessibility regulations and with the variances as granted.

Please let me know if you have any questions or require any additional information.

Respectfully Submitted,



Donald W. Mills, RA / NCARB / LEED AP
Attachment (6 pages)

P.O. Box 750089
Arlington MA 02475
617.876.7611 voice
617.876.6420 fax

251218-IMG_7382.JPG



Historic Front Entrance from JFK Street
Received Variance for Public Entrance

251218-IMG_7383.JPG



Bronze Plaque to Right of Historic Entrance
Directing the Public to the Accessible Entrance

251218-IMG_7384.JPG



Accessible Entrance from JFK Street in the
Addition to North Side of the Historic Facility

251218-IMG_7386.JPG



Accessible Entrance Through Re-Constructed
Garden Wall at JFK Street to Meeting Regulations

251218-IMG_7380.JPG



Side Stair to Basement with Added Handrail to Allow for Dual Railings at Existing Stairs

251218-IMG_7381.JPG



Bronze Plaque at Mt. Auburn Street Directing the Public Toward JFK Street

251218-IMG_7388.JPG



Accessible Entrance with Actuator and Auto Opener from JFK Street into Addition

251218-IMG_7420.JPG



Accessible Entrance from Courtyard at Back Wall of the Addition

251218-IMG_7391.JPG



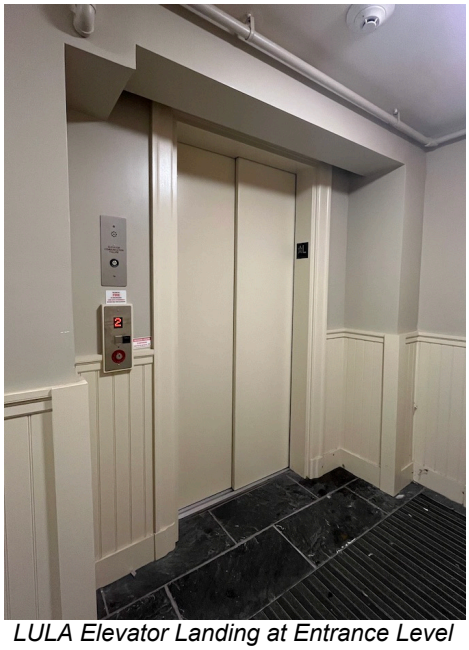
Interior View of Front Accessible Entrance Leading to JFK Street from Addition

251218-IMG_7390.JPG



Interior View of Back Accessible Entrance Leading to Courtyard from Addition

251218-IMG_7389.JPG



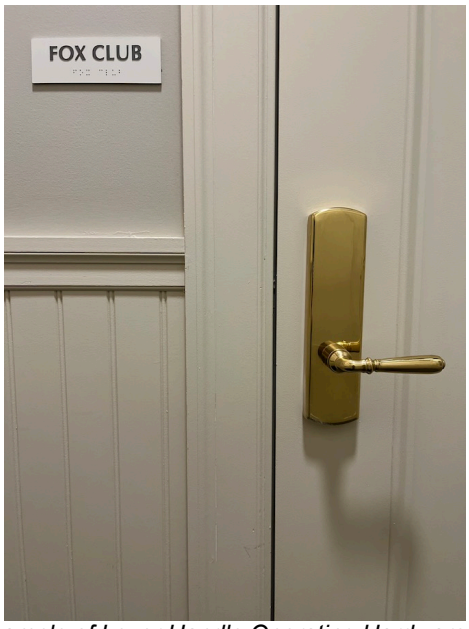
LULA Elevator Landing at Entrance Level

251218-IMG_7415.JPG



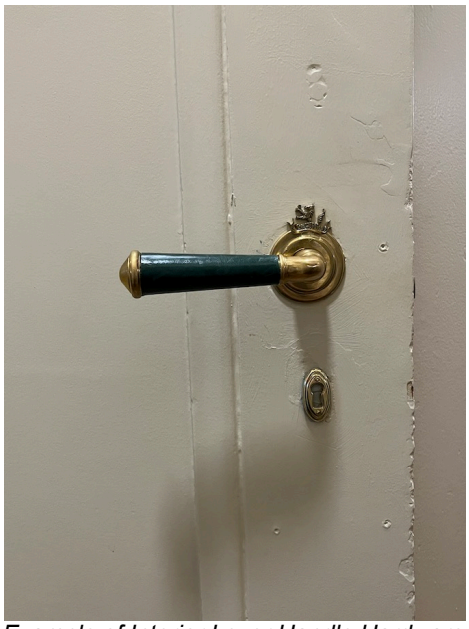
Interior of LULA Elevator Serving the Historic Facility from the Addition

251218-IMG_7416.JPG



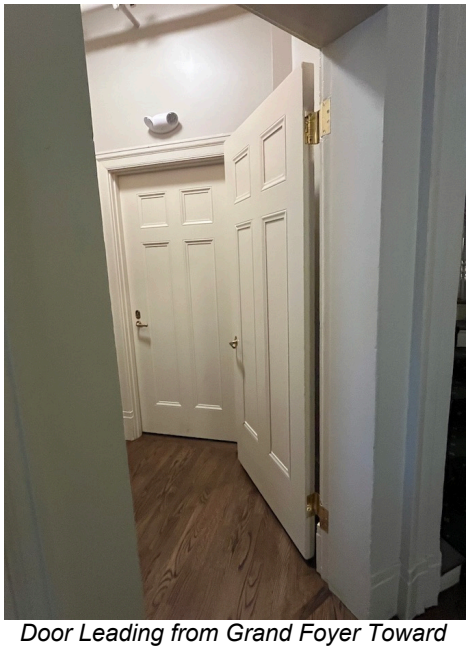
Example of Lever Handle Operating Hardware at Interior and Signage with Raised Letters & Braille

251218-IMG_7419.JPG



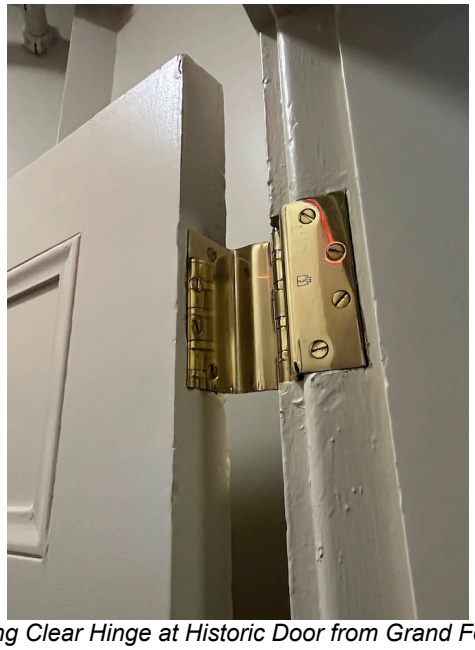
Example of Interior Lever Handle Hardware Replacing Historic Knobs and Egg-Shaped Devices

251218-IMG_7402.JPG



Door Leading from Grand Foyer Toward Accessible Restroom and Parlor

251218-IMG_7403.JPG



Swing Clear Hinge at Historic Door from Grand Foyer Provides Required Clearance and Preserves Materials

251218-IMG_0136.JPG



Interior Handrails from Historic Front Entry to Grand Foyer Provided on Each Side of Stairs

251218-IMG_7398.JPG



Wall-Mounted Handrails Provided at Historic Wainscoting and Central Guardrail Allowed to Remain in Place

251218-IMG_7408.JPG



Wall-Mounted Handrail in Central Stair Installed Continuous at Landings

251218-IMG_7400.JPG



Accessible Height Counter Provided Adjacent to the Historic Bar Area

251218-IMG_7401.JPG



One of Three Single-User Accessible Toilet Rooms

251218-IMG_7404.JPG



Interior View of First Floor Accessible Toilet Room

251218-IMG_7405.JPG



Interior View of First Floor Accessible Toilet Room

251218-IMG_7407.JPG



Interior View of First Floor Accessible Toilet Room

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

FOURTH AMENDED NOTICE OF ACTION

Docket Number V **23 124**

RE: Fox Club , 44 JFK Street , Cambridge

On January 24, 2025 the Architectural Access Board received an additional submission from Petitioner The additional documents were reviewed by the Board on February 10, 2025 At that meeting, the Board voted as follows:

#	Section	Result
1	28.1	**TEMPORARILY GRANTED** until May 1, 2025 as proposed.
2	41.1.1	**DENIED** as *impracticability* (as defined in 521 CMR 5) has not been proven for this request.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: February 11, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnaccio WJ
Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 19

Outlook

Variance Amendment V23-124 / 44 JFK in Cambrige

From Don Mills <donmills@millswhitaker.com>
Date Fri 1/24/2025 12:55 PM
To Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>
Cc bvigneault@cambridgema.gov <bvigneault@cambridgema.gov>; rtanenhaus@Cambridgema.gov <rtanenhaus@Cambridgema.gov>; Michael Muehe <Mmuehe@bostoncil.org>; ccpd@cambridgema.gov <ccpd@cambridgema.gov>

1 attachment (8 MB)
Variance Amendment for V23-124.pdf;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Will & Molly,

Attached please find a Variance Amendment Application on behalf of the Fox Club at 44 JFK Street in Cambridge, Docket V23-124. Please let me know if you require any additional information.

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

THIRD AMENDED NOTICE OF ACTION

Docket Number V **23 124**

RE: Fox Club , 44 JFK Street , Cambridge

On December 5, 2023 the Architectural Access Board received an additional submission from Petitioner The additional documents were reviewed by the Board on December 11, 2023 At that meeting, the Board voted as follows:

#	Section	Result
1	30.7.1	**GRANTED** as proposed on the condition that: that automatic door openers are provided
2	20.11	**GRANTED** as proposed.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: December 12, 2023

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnaccio WJ

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 21

FW: Variance Amendment V23-124 / Fox Club at 44 JFK St in Cambridge

Don Mills <donmills@millswhitaker.com>

Tue 12/5/2023 2:46 PM

To:Henning, Bill <bhenning@bostoncil.org>;Susan Smith <ssmith@bostoncil.org>
Cc:Joyce, William (DPL) <William.Joyce@mass.gov>;Chase, Andrew M (DPL) <Andrew.M.Chase@mass.gov>

1 attachments (5 MB)

Variance Amendment V23-124.pdf;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Bill & Susan,

I received an auto-reply from my email to Taciana related to a Variance Amendment as attached. The reply listed both of you as alternative contacts in her absence. Let me know if you have any questions.

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

From: Don Mills <donmills@millswhitaker.com>
Date: Tuesday, December 5, 2023 at 14:40
To: Joyce, William (REG) <william.joyce@state.ma.us>
Cc: Richard, Andrew <arichard@cambridgema.gov>, Vigneault, Branden <bvigneault@cambridgema.gov>, tribeiro-saab@bostoncil.org <tribeiro-saab@bostoncil.org>, Tanenhaus, Rachel <rtanenhaus@Cambridgema.gov>, Chase, Andrew M (DPL) <Andrew.M.Chase@mass.gov>
Subject: Variance Amendment V23-124 / Fox Club at 44 JFK St in Cambridge

Will,

Attached please find an "Amended Application for Variance" relative to V23-124. Please let me know if you have any questions or require any additional information.

(BTW: I have copied Andrew Chase instead of Bradley Souders.)

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

AAB-22

	Commonwealth of Massachusetts **Division of Occupational Licensure** **Office of Public Safety and Inspections** **Architectural Access Board** 1000 Washington St., Suite 710 • Boston • MA • 02118 V: 617-727-0660 • www.mass.gov/aab	Docket Number (Office Use Only)

AMENDED APPLICATION FOR VARIANCE

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) **Sign the certification on Page 6.**
4) **Serve copies of the completed application and all attachments via electronic of physical delivery based on the recipient's preference to:**
    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.)**
5) **Complete the Service Notice included with the Application and sign it.**
6) **Deliver the completed Application and all attachments to the Board via electronic or physical delivery:**
    a. **Electronic:**
        i. **Applications should be sent via email to william.joyce@mass.gov & bradley.souders@mass.gov.**
        ii. **The email submission must have the subject line: Variance Amendment - <Docket Number>**
        iii. **The application and all attachments must be in .pdf format**
        iv. **The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.**
    b. **Physical**
        i. **Applications should be sent to the mailing address listed above and must include:**
            1. **The completed application and all attachments.**
            2. **A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),**
            3. **The completed and signed Service Notice.**
        ii. **Please ensure that all documents included are no larger than 11" x 17".**
        iii. **Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.**

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:

The Fox Club
44 JFK Street
Cambridge MA 02138

2. What is the docket number of the existing variance V 23 - 124

3. Briefly describe the extent and nature of the new work performed or to be performed since your original application (use additional sheets if necessary):

The original application indicated three single-user accessible restrooms that did not meet the 72" x 90" dimension noted in Figure 30d of 521 CMR 30.7.1 – Clear Floor Space. The room dimensions shown in the application illustrated that the 72" dimension was not met while the 90" dimension was exceeded. Figure 30d shows a 60" wide x 72" deep area for the water closet whereas the proposed restrooms locate the water closets against the end walls that are less than 72" but more than the 60" width required for water closet clearance. It is the Applicant's belief that clear floor space requirements were met in the original layouts as proposed but this was not demonstrated in the application and no relief was requested.

The Accessibility Analyst in Cambridge ISD requested compliance with the 72" x 90" restroom size in Figure 30d and revised permit drawings for compliance were submitted while noting that a request for MAAB review of the original layouts would be submitted via this Amendment.

Enclosed are drawings of each restroom indicating the original application submission, initial permit drawings, revised permit drawings, and diagrams illustrating clear floor space in the layouts as proposed. It is the Applicant's belief that the cost of full compliance with Figure 30d at $66,500 is excessive without any substantial benefit to those with disabilities.

4. a. Has the Board's Jurisdiction changed since your original application: Yes ○ No ◉

b. If Yes, which section of the Board's Jurisdiction *(see Section 3 of the Board's Regulations)* has now been triggered?

2.6 ☐ 3.2 ☐ 3.3.1(a) ☐ 3.3.1(b) ☐ 3.3.2 ☐ 3.3.4 ☐ 3.4 ☐

AAB 24

5. List **all** building permits that have been applied for since the date of your original application or last amendment, include the issue date and the listed value of the work performed:

Permit #	Date of Issuance	Value of Work
243766		$ 4,288,509.00

(Use additional sheets if necessary.)

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

7. For existing buildings, state the current actual assessed valuation of the **BUILDING ONLY,** as recorded in the **Assessor's Office** of the municipality in which the building is located:
$ 481,200.00

Is the assessment at 100%? no

If not, what is the town's current assessment ratio? 84.00%

8. State the phase of design or construction of the facility as of the date of this application:
Construction Documents Completed; Building Permit Application Pending at Cambridge ISD

AAB-25

9.

Request #1

Section(s) for which you are seeking relief: 30.7.1 / Figure 30d

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☑ Test Drawings,
☑ Other(s): Clear Floor Space in Plans

If yes, when do you propose to be in compliance by: _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

The restrooms as designed provide fixture and maneuvering clearances as required by 521 CMR 30 with the exclusion of room dimensions indicated in Figure 30d. None of the three restrooms meet the 72" dimension of the 72" x 90" room layout shown in Figure 30d and each room exceeds the 90" dimension. Due to the orientation of the water closet in the proposed restrooms, a 72" dimension is greater than needed for toilet access and expanding the rooms does not improve functionality or accessibility for users. In the basement restroom, expansion of the footprint does not affect historic resources, but at the first and second floor restrooms, expansion impacts the integrity of adjacent original rooms (e.g. relocates original walls, modifies an original corner cabinet, relocates historic wall sconce, and reconstructs bookshelves) and impacts the historic integrity of this facility.

The cost of compliance with the 72" width dimension in every restroom results in an added cost of $66,500 without any substantial benefit to persons with disabilities and resulting in the disruption of historic resources. Refer to enclosed diagrams and costs associated with this request.

Request #2

Section(s) for which you are seeking relief: None

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☐ Floor/Site Plans, ☐ Cost Estimates,
☐ Photographs, ☐ Test Drawings,
☐ Other(s): _____

If yes, when do you propose to be in compliance by: _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

AAB-26

Request #3

Types of Attachments for this Request:
☐ Floor/Site Plans, ☐ Cost Estimates,
☐ Photographs, ☐ Test Drawings,
☐ Other(s): _____

Section(s) for which you are seeking relief: None

Are you seeking temporary relief ◯ Yes ◯ No

If yes, when do you propose to be in compliance by: _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Request #4

Types of Attachments for this Request:
☐ Floor/Site Plans, ☑ Cost Estimates,
☐ Photographs, ☑ Test Drawings,
☐ Other(s): _____

Section(s) for which you are seeking relief: None

Are you seeking temporary relief ◯ Yes ◯ No

If yes, when do you propose to be in compliance by: _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

AAB-27

If you require more than 4 requests, please use the *Additional Request Sheet* and complete the *Large Variance Tally Sheet*, both of which are available on the "Forms and Applications" page of the Board's website (http://www.mass.gov/aab).

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION AND SUPPORTING DOCUMENTATION IS TRUE AND CORRECT

Date: 12/5/23



Signature of owner or authorized agent *(required)*

PLEASE PRINT:

Don Mills / Owner's Agent & Architect

Name

Mills Whitaker Architects LLC

Organization (If Applicable)

PO Box 750089

Address

Address 2 (optional)

Arlington MA 02475

City/Town State Zip Code

donmills@millswhitaker.com

E-mail

617-283-5377

Telephone

AAB-28

SERVICE NOTICE

I, Don Mills / Mills Whitaker Architects LLC, as Owner's Agent & Project Architect
(Name) (Relationship to the applicant)

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:

	NAME AND ADDRESS OF PERSON OR AGENCY SERVED	METHOD OF SERVICE	DATE OF SERVICE
1 **Building Department**	Inspectional Services Department 831 Massachusetts Avenue #1 Cambridge MA 02139	via email	12/5/23
2 **Local Commission on Disability** (If Applicable)	Commission for Persons w/ Disabilities 51 Inman Street Cambridge MA 02139	via email	12/5/23
3 **Independent Living Center**	Boston Center for Independent Living 60 Temple Place Boston MA 02111	via email	12/5/23



Signature

12/5/23
Date

AAB-29

MILLS WHITAKER ARCHITECTS
ARLINGTON MA www.millswhitaker.com BRIDGTON ME

DATE: 5 February 2023

FACILITY: **FOX CLUB**
44 JFK Street
Cambridge MA 02138

SUBJECT: V23-124 / Amended Application for a Variance
Single-User Restroom Size / 521 CMR 30.7.1 – Figure 30d

RE: Attachments to Amended Application / REQUEST #1

The original Variance Application for the Fox Club (circa 1902) in the Harvard Square National Register Historic District indicated three single-user accessible restrooms. While it was the Applicant's belief that the restroom layouts provided accessibility in full compliance with 521 CMR, they did not meet the 72" width illustrated in the 72" x 90" dimension of Figure 30d in 30.7.1. Unfortunately, the Applicant did not request MAAB's review of the proposed restroom dimensions via the application. Consequently, when building permit drawings were developed and submitted to ISD in Cambridge, the Accessibility Analyst requested that the restrooms meet the 72" x 90" requirement as illustrated in Figure 30d.

After discussion between the Architect and Accessibility Analyst, the permit drawings were revised to meet the 72" dimension since that was lacking in the proposed layouts. Upon submission, the layouts were approved, and accessibility signoff was provided by ISD as part of the permit review process. Prior to submitting the revised permit drawings, the Applicant informed the Accessibility Analyst that an Amended Application would be prepared and submitted to the MAAB for review of the originally proposed layouts for consideration.

Enclosed are the following documents to substantiate this request for the restrooms as proposed in the original application and further developed in the construction documents.

AMENDED APPLICATION FOR VARIANCE (7 pages including Service Notice)

NARRATIVE of AMENDED APPLICATION / PHOTOS / COSTS (4 pages)

- Basement Accessible Restroom
- First Floor Accessible Restroom
- Second Floor Accessible Restroom
- Cost of Full Compliance

SKA SERIES OF DRAWINGS (13 pages)

- Title Page + Four Drawings of each Restroom (SKA)
- Images from Original Application with Restroom Dimensions (SKA-#.A)
- Excerpts from Permit Set initially submitted to Cambridge ISD (SKA-#.B)
- Excerpts from Revised Permit Set submitted to Cambridge ISD (SKA-#.C)
- Diagrams of Proposed Restrooms with Clear Floor Space shown (SKA-#.D)

P.O. Box 750089
Arlington MA 02475
617.876.7611 voice
617.876.6420 fax

BASEMENT ACCESSIBLE RESTROOM

The existing basement has two inaccessible restrooms, and the project will modify conditions to provide three restrooms, one of which will be accessible. The proposed accessible restroom is 72" deep at the lavatory area, 66" deep at the water closet area, and 105" long. The water closet will be on the 66" wall with 18" from the toilet centerline to the near wall and 48" to the far wall (18" + 42" = 60" required). The proposed plan does not match the configuration and orientation of the illustration in Figure 30d, but in the Applicants' belief it provides equivalent accessibility. Refer to the drawings for more information and clear floor space provisions.

SKA-0.A:	Image from Original MAAB Application
SKA-0.B:	Excerpt from Permit Drawings to Cambridge ISD
SKA-0.C:	Excerpt from Revised Permit Drawings to Cambridge ISD
SKA-0.D:	Clear Floor Space Annotations of Proposed Layout

Increasing the 66" dimension of the room at the water closet wall area to 72" as shown in the revised permit drawing SKA-0.C would not improve accessibility provisions since clear floor space conditions are met in the proposed layout as illustrated in SKA-0.D.

FIRST FLOOR ACCESSIBLE RESTROOM

The existing first floor has a tightly constrained hall leading into an inaccessible restroom with a lavatory and water closet. The project will enlarge the hallway and modify the restroom for accessibility. The water closet will be at the end wall with a room width of 65 3/8" providing 18" from the toilet centerline to the near wall and 47 3/8" to the far wall (18" + 42" = 60" required).

SKA-1.A:	Image from Original MAAB Application
SKA-1.B:	Excerpt from Permit Drawings to Cambridge ISD
SKA-1.C:	Excerpt from Revised Permit Drawings to Cambridge ISD
SKA-1.D:	Clear Floor Space Annotations of Proposed Layout

Clear floor space requirements are met in the proposed layout with dimensions of 65 3/8" wide x 141 5/8" long as noted in SKA-1.D. If the room is widened by 6 5/8" to 72" per the revised permit drawing as shown in SKA-1.C, it would not improve accessibility and would require relocation of an original wall, built-in corner cabinet and wall sconce in the adjacent Parlor.

At right is a photo at the corner of the Parlor wall that is shared with the existing restroom. The original built-in corner cabinet and wall sconce lighting fixture will require modification if the restroom wall is removed and relocated and yet, no further accessibility would be provided in the expanded room as compared to the proposed layout.



SECOND FLOOR ACCESSIBLE RESTROOM

The existing second floor has a tightly constrained hall leading into an inaccessible restroom with a lavatory, urinal, and water closet. The project will enlarge the hallway, delete the urinal, and modify the restroom for accessibility. The water closet will be at the end wall with a room width of 65" providing 18" from the toilet centerline to the near wall and 47" to the far wall (18" + 42" = 60" required).

SKA-2.A:	Image from Original MAAB Application
SKA-2.B:	Excerpt from Permit Drawings to Cambridge
SKA-2.C:	Excerpt from Revised Permit Drawings to Cambridge
SKA-2.D:	Clear Floor Space Annotations of Proposed Layout

Clear floor space requirements are met in the proposed layout of the room with dimensions of 65" wide x 141 7/8" long as noted in SKA-2.D. If the room is widened by 7" to 72" per the revised permit drawing SKA-2.C, it would not improve accessibility and would require relocation of an original set of built-in set bookshelves in the adjacent Library.

Below is a photo of the existing shared wall between the Library and restroom showing the original bookshelves. Widening of the restroom requires relocation of the wall and reconstruction of the bookshelves and yet, no further accessibility would be provided as compared to the proposed recommended layout.



COST OF FULL COMPLIANCE

While making each restroom comply with the 72" dimension in Figure 30d is feasible, doing so does not increase the level of accessibility provided. In Figure 30d, the water closet is mounted against the 90" wall and 72" of clearance is provided across the room to the opposite wall. A width of 60" is shown in Figure 30d for clearance at the wall to which the water closet abuts and the balance of the 90" provides 30" clear width for the lavatory. In the layout as proposed for the Fox Club, the water closet is mounted against the end wall that is 66" wide at the basement, 65 3/8" wide at the first floor, and 65" wide at the second floor, … all in excess of the minimum 60" as required based on the orientation of the water closet in the room (90-degree rotation as compared to Figure 30d).

Clearances for a 60" turning radius, 30" x 48" at the lavatory, and 30" x 48" beyond the swing of the door are all indicated in the SKA-#.D drawings. Costs for full compliance are itemized as follows:

Amended Application Request #1: Cost of Full Compliance to 521 CMR Fig. 30d	
30.7.1 / Figure 30d: Dimension of Single-User Accessible Restroom	
$450	**Expand Basement Accessible Restroom 6" x 67" for 72" Compliance** > Increased Cost of Restroom Finishes into Expanded Area
$19,850	**Expand First Floor Restroom to 72" x 141 5/8" for Compliance** > Relocate Original Wall ~ 6 5/8" into Adjacent Parlor > Sister Joists for Wall Support & Patch Floor, Walls, & Ceiling > Increased Cost of Restroom Finishes into Expanded Area > Relocate Original Corner Cabinet & Wall Sconce in Adjacent Parlor
$28,850	**Expand Second Floor Restroom to 72" x 141 7/8" for Compliance** > Relocate Original Wall ~ 7" into Adjacent Library > Sister Joists for Wall Support & Patch Floor, Walls, & Ceiling > Increased Cost of Restroom Finishes into Expanded Area > Remove Original Bookshelves and Reconstruct in Adjacent Library
$49,150	**Subtotal of Estimated Direct Trade Costs for 30.7.1 Compliance**
$17,350	**Gen'l Conditions, G.C.'s OH+P, Contingency, A/E Revision Design Fees**
$66,500	**Estimated Project Cost for Full Compliance with 30.7.1 / Figure 30d**

It is the Applicant's belief that the cost of $66,500 for full compliance with 72" x 90" dimension in Figure 30d of 521 CMR 30.7.1 is excessive without any substantial benefit for persons with disabilities, and full compliance would require the disruption, removal, and reconfiguration of original features of this historic facility.

LIST OF DRAWINGS

SKA	TITLE PAGE / ACCESSIBLE RESTROOMS
SKA-0.A	BASEMENT RESTROOM – ORIG. MAAB APPLICATION
SKA-0.B	BASEMENT RESTROOM – BUILDING PERMIT SET
SKA-0.C	BASEMENT RESTROOM – 72” x 90”(+) COMPLIANCE
SKA-0.D	**BASEMENT RESTROOM – VARIANCE AMENDMENT**
SKA-1.A	1ST FLOOR RESTROOM – ORIG. MAAB APPLICATION
SKA-1.B	1ST FLOOR RESTROOM – BUILDING PERMIT SET
SKA-1.C	1ST FLOOR RESTROOM – 72” x 90”(+) COMPLIANCE
SKA-1.D	**1ST FLOOR RESTROOM – VARIANCE AMENDMENT**
SKA-2.A	2ND FLOOR RESTROOM – ORIG. MAAB APPLICATION
SKA-2.B	2ND FLOOR RESTROOM – BUILDING PERMIT SET
SKA-2.C	2ND FLOOR RESTROOM – 72” x 90”(+) COMPLIANCE
SKA-2.D	**2ND FLOOR RESTROOM – VARIANCE AMENDMENT**

DRAWING SUMMARY INFORMATION

SKA-#.A SERIES / ORIGINAL VARIANCE APPLICATION SUBMISSION:
Proposed accessible restrooms as submitted in the original variance application. Dimensions of each room were noted, but layouts did not meet 72” x 90” restroom size per 521 CMR 30.7.1 Figure 30d. In the Architect’s opinion, substantially equivalent access was provided per 2.5.1 but this was not demonstrated in the variance application nor brought to the Board’s attention.

SKA-#.B SERIES / BUILDING PERMIT APPLICATION SUBMISSION:
Proposed accessible restrooms as submitted in the permit application to the City of Cambridge Inspectional Services Department showing further development of the plans and minor increases in dimensions. Accessibility Analyst did not approve the layouts and requested that the restrooms meet the 72” x 90” floor plan dimensions as illustrated in Figure 30d.

SKA-#.C SERIES / REVISED BUILDING PERMIT DRAWINGS:
Revisions to each of the proposed accessible restrooms as amended for the permit application showing compliance with the 72” x 90” (+) requirement as requested by the Accessibility Analyst at Cambridge ISD. Revised layouts were approved as revised in the permit set.

SKA-#.D SERIES / VARIANCE AMENDMENT SUBMISSION:
Variance amendment request based on the original layout with drawings indicating compliance with clear floor space requirements for maneuvering and fixture clearances. Also note that each restroom is larger in overall area than the 72” x 90” requirement as noted below:

Figure 30d:	45 square feet (72” x 90”)	
Basement:	49 square feet (66” x 103”) + (36” x 6”)	*... {66" x 102" initially @ 47 SF}*
First Floor:	64 square feet (65 3/8” x 141 5/8”)	*... {61" x 140" initially @ 59 SF}*
Second Floor:	64 square feet (65” x 141 7/8”)	*... {61" x 140" initially @ 59 SF}*

It is the Applicant’s belief that the proposed restroom layouts in **SKA-0.D**, **SKA-1.D**, & **SKA-2.D** are alternative designs providing substantially equivalent access per 521 CMR 2.5.1 or, if necessary, require a variance from 521 CMR 30.7.1 Figure 30d. See information in the amendment narrative relative to cost, lack of substantial benefit, and historic preservation.

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA
SOURCE: N/A	SCALE: N/A	
DRAWING: TITLE PAGE / ACCESSIBLE RESTROOMS	DATE: 5 DEC 2023	

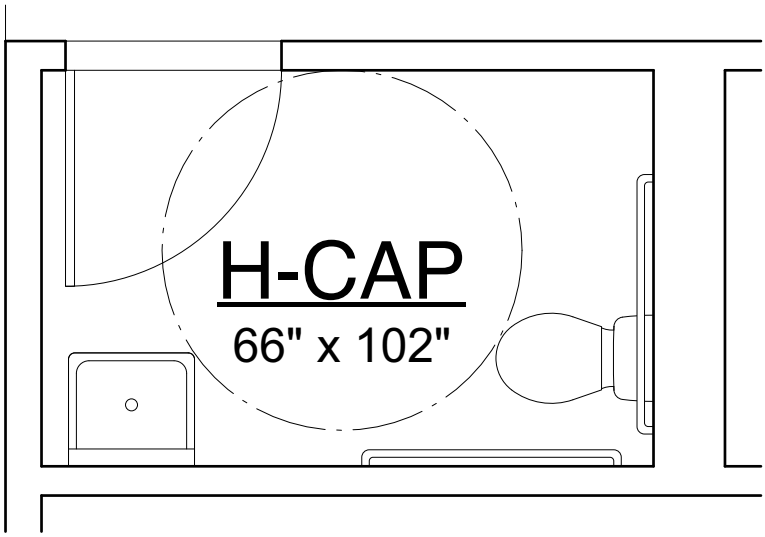
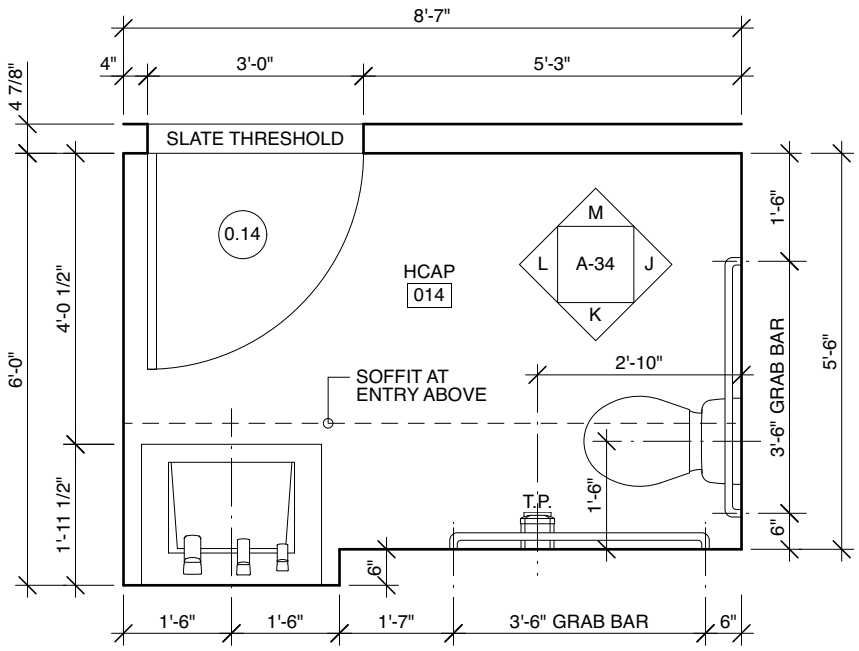


IMAGE EXCERPT FROM ORIGINAL MAAB APPLICATION / PAGE A.9 OF SUBMISSION

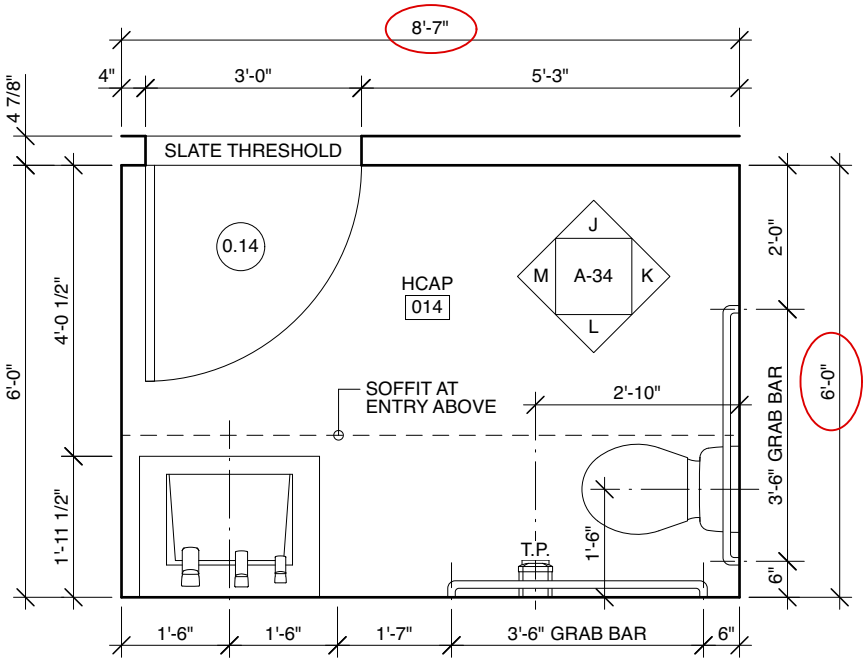
PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-0.A
SOURCE: MAAB APPLICATION	SCALE: 3/8" - 1'-0"	
DRAWING: BSMT. RESTROOM - ORIG. MAAB APPLICATION	DATE: 5 DEC 2023	



EXCERPT FROM DRAWING 3/A-34 OF PERMIT SET TO CITY OF CAMBRIDGE ISD

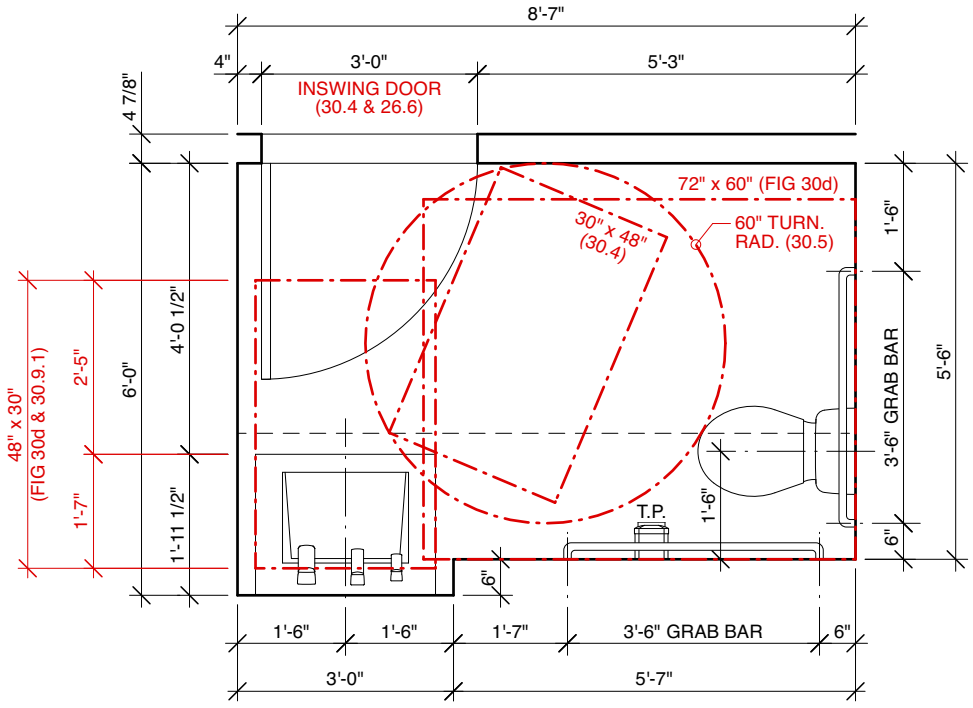
PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-0.B
SOURCE: PERMIT SET 3/A-34	SCALE: 3/8" - 1'-0"	
DRAWING: BSMT. RESTROOM - BUILDING PERMIT SET	DATE: 5 DEC 2023	

AAB-36



REVISED DRAWING 3/A-34 TO CITY OF CAMBRIDGE ISD FOR 72" x 90" COMPLIANCE

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-0.C
SOURCE: PERMIT AMENDMENT 3/A-34	SCALE: 3/8" - 1'-0"	
DRAWING: BSMT. RESTROOM - 72" x 90" (+) COMPLIANCE	DATE: 5 DEC 2023	



ANNOTATED VERSION OF ORIGINAL PERMIT DRAWING 3/A-34 FOR MAAB REVIEW

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-0.D
SOURCE: VARIANCE ADMENDMENT	SCALE: 3/8" - 1'-0"	
DRAWING: BSMT. RESTROOM - VARIANCE AMENDMENT	DATE: 5 DEC 2023	

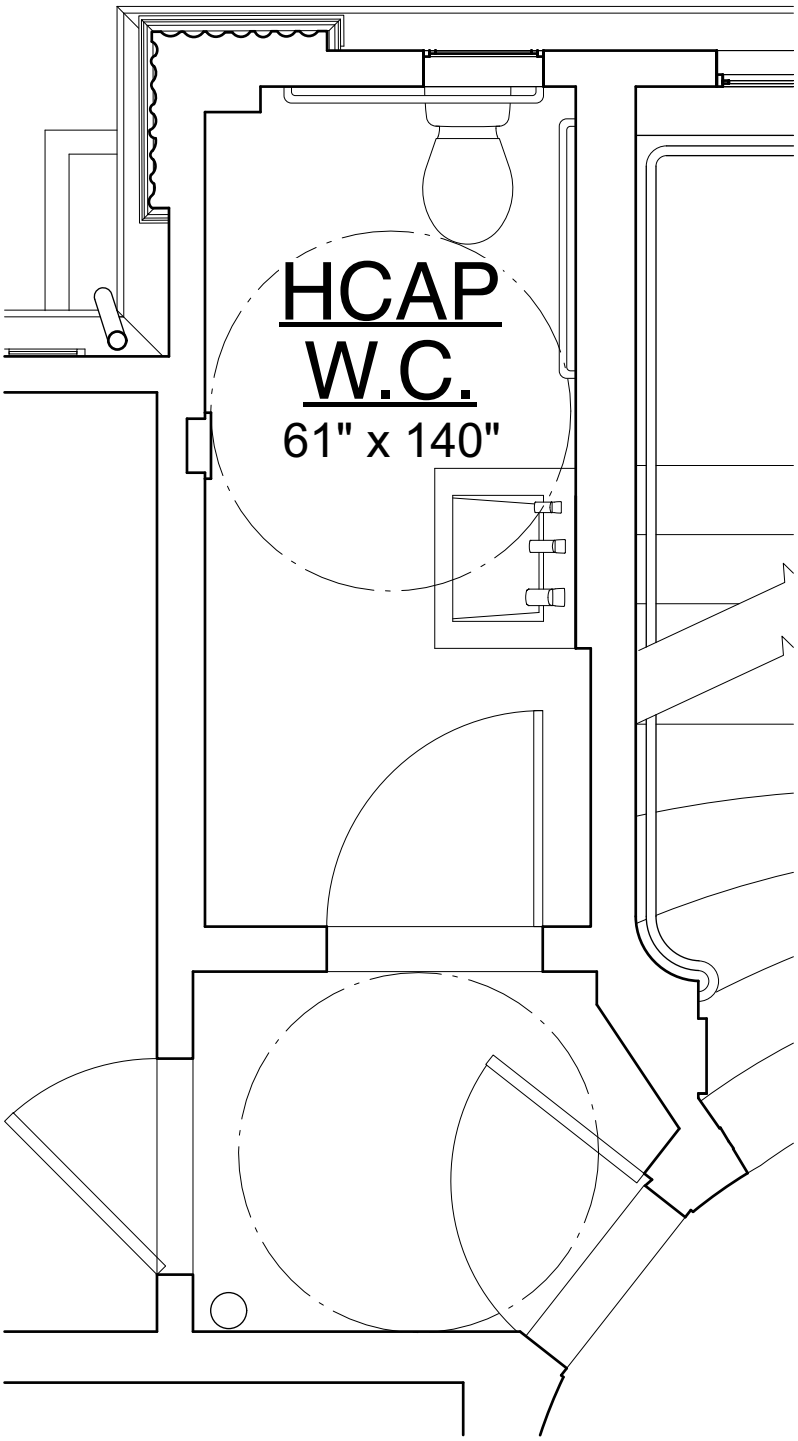
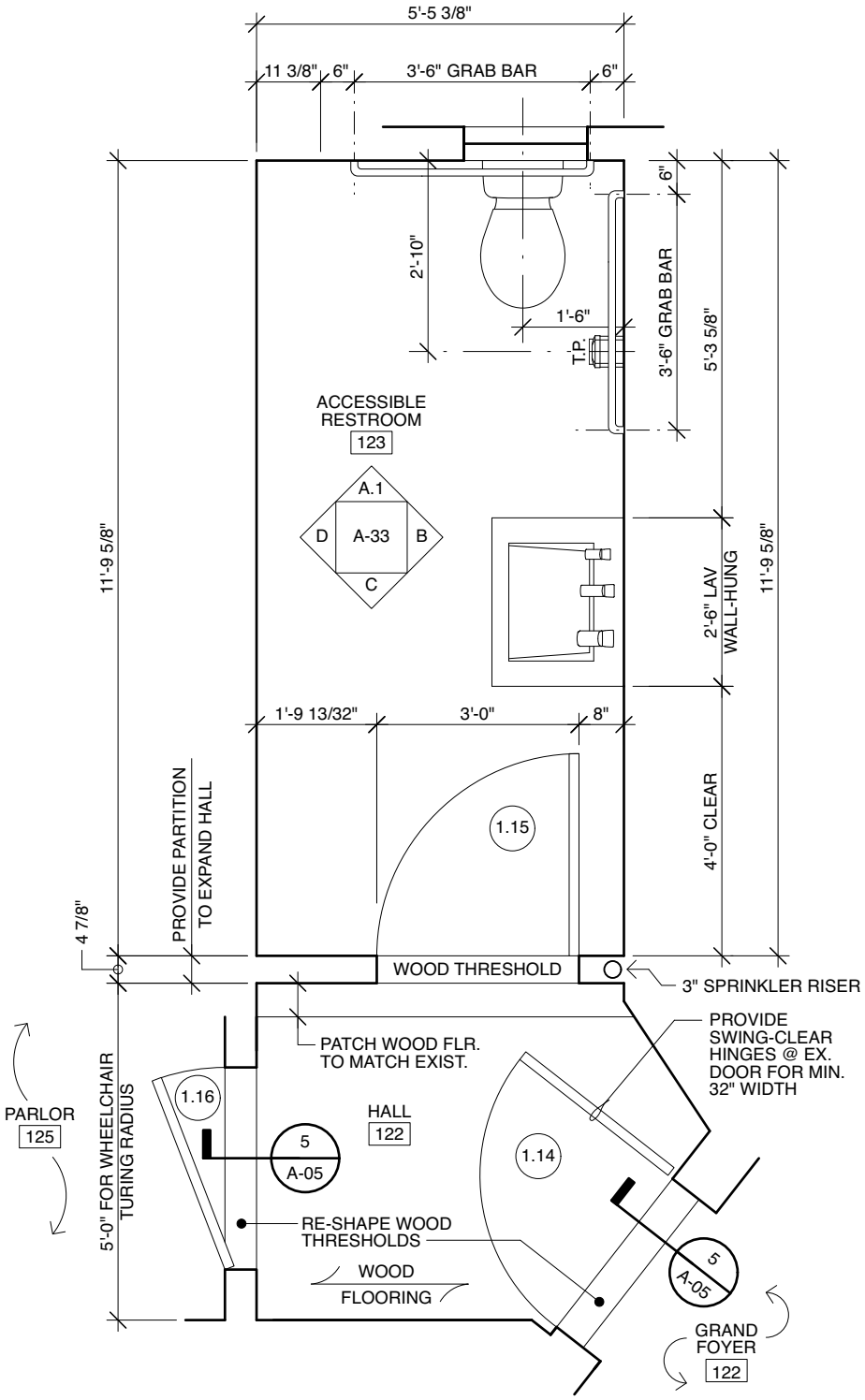


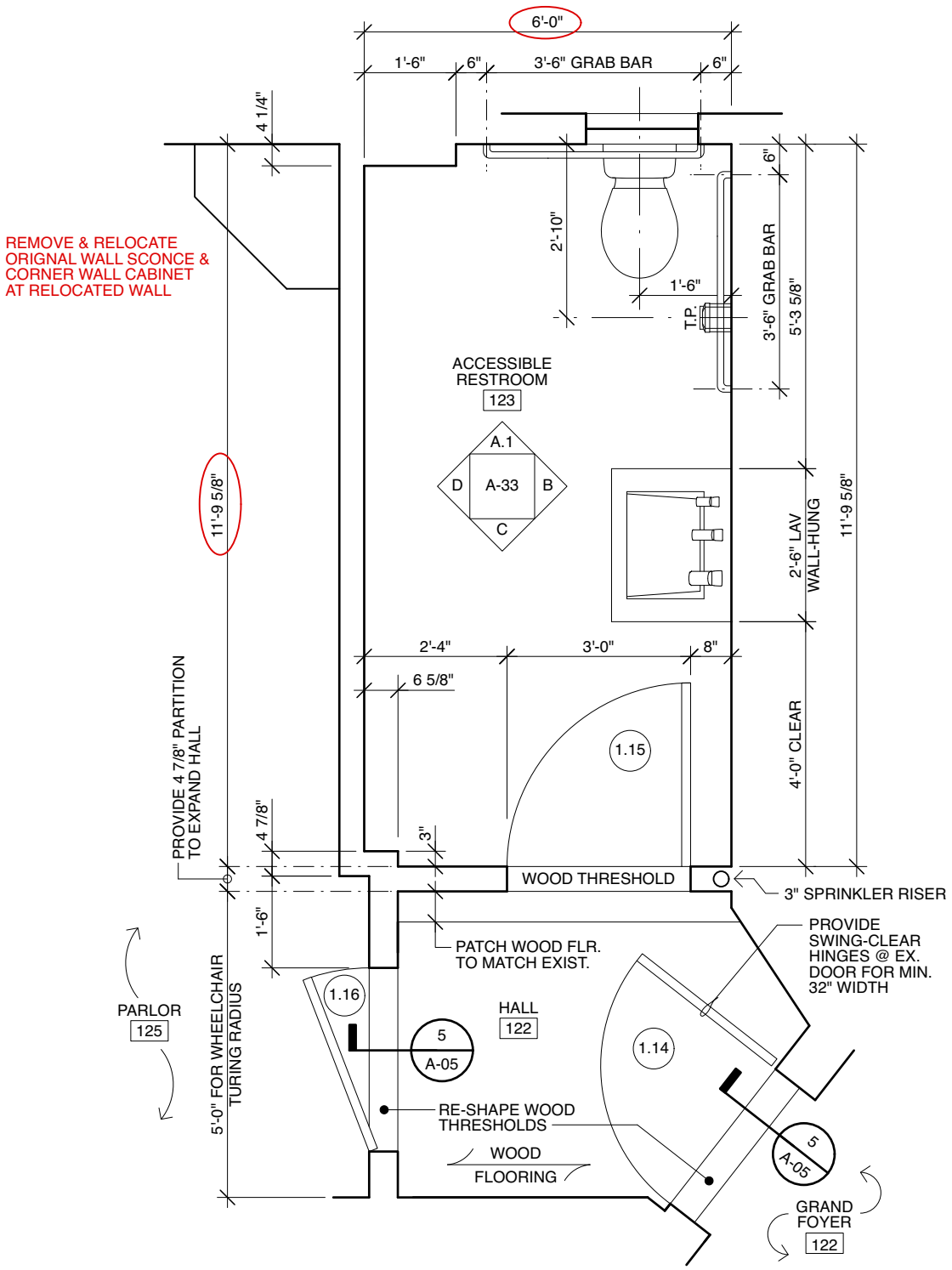
IMAGE EXCERPT FROM ORIGINAL MAAB APPLICATION / PAGE A.11 OF SUBMISSION

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-1.A
SOURCE: MAAB APPLICATION	SCALE: 3/8" - 1'-0"	
DRAWING: 1ST FLR. RESTROOM – ORIG. MAAB APPLICATION	DATE: 5 DEC 2023	



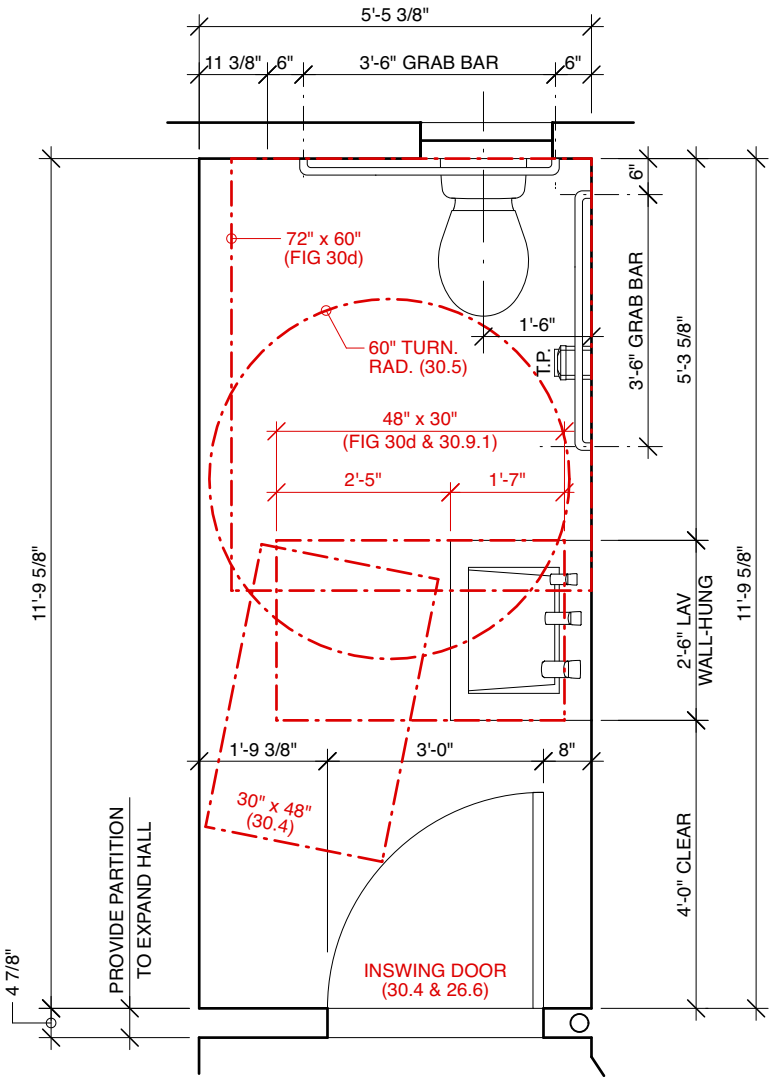
EXCERPT FROM DRAWING 1.1/A-33 OF PERMIT SET TO CITY OF CAMBRIDGE ISD

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-1.B
SOURCE: PERMIT SET 1.1/A-33	SCALE: 3/8" - 1'-0"	
DRAWING: 1ST FLR. RESTROOM – BUILDING PERMIT SET	DATE: 5 DEC 2023	



REVISED DRAWING 1.1/A-33 TO CITY OF CAMBRIDGE ISD FOR 72" x 90" COMPLIANCE

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-1.C
SOURCE: PERMIT AMENDMENT 1.1/A-33	SCALE: 3/8" - 1'-0"	
DRAWING: 1ST FLR. RESTROOM – 72" x 90" (+) COMPLIANCE	DATE: 5 DEC 2023	



ANNOTATED VERSION OF ORIGINAL PERMIT DRAWING 1.1/A-33 FOR MAAB REVIEW

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-1.D
SOURCE: VARIANCE AMENDMENT	SCALE: 3/8" - 1'-0"	
DRAWING: 1ST FLR. RESTROOM – VARIANCE AMENDMENT	DATE: 5 DEC 2023	

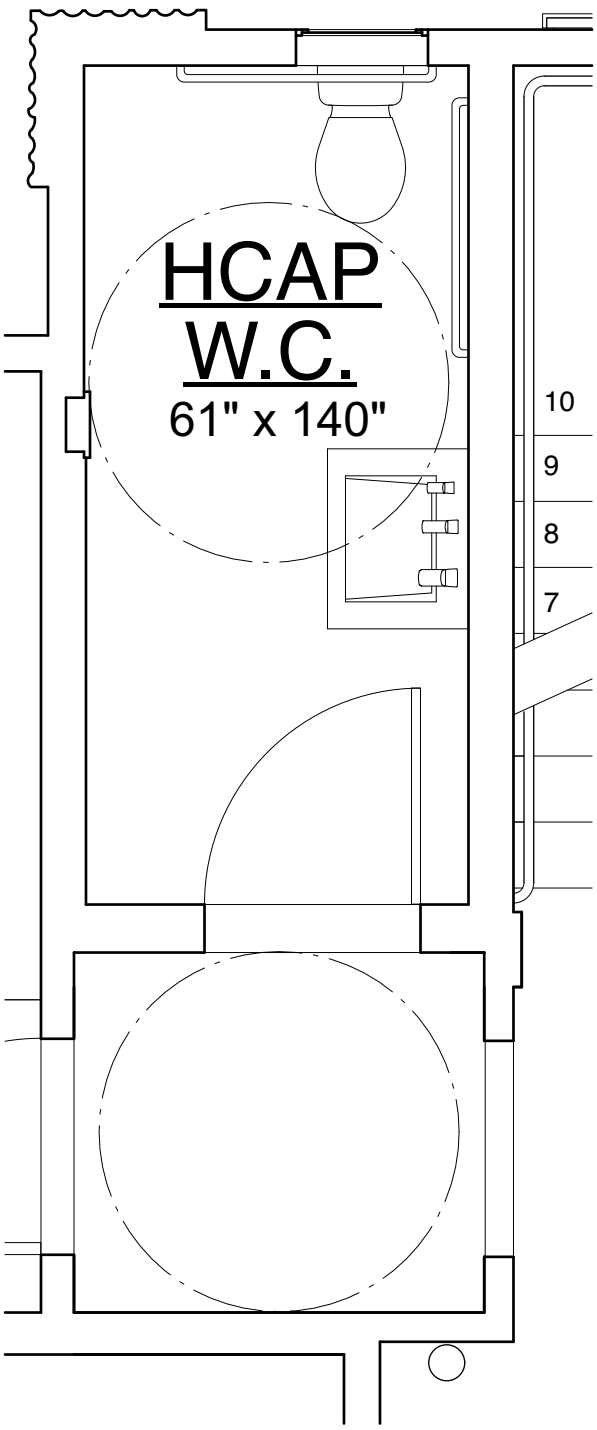
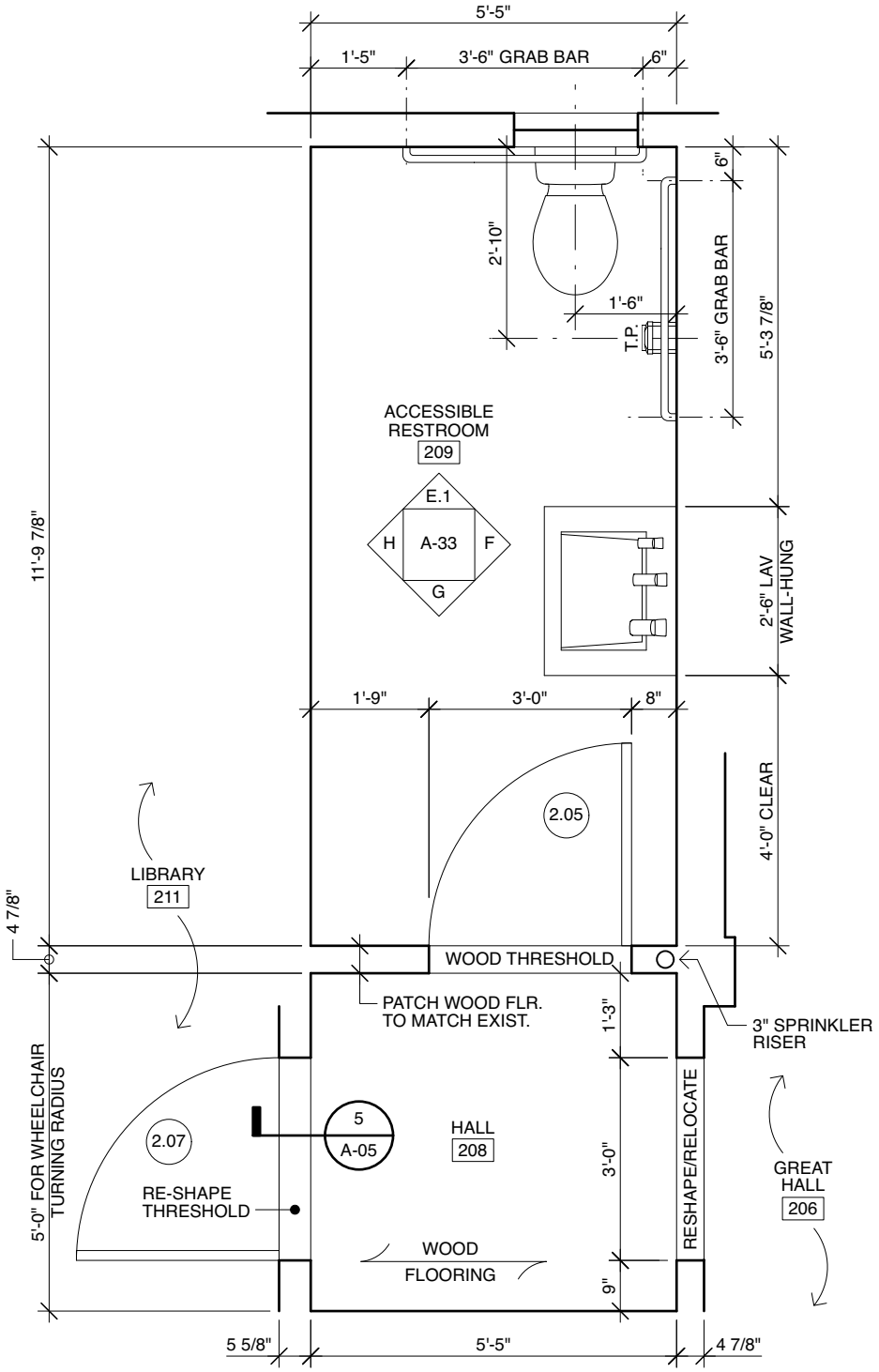


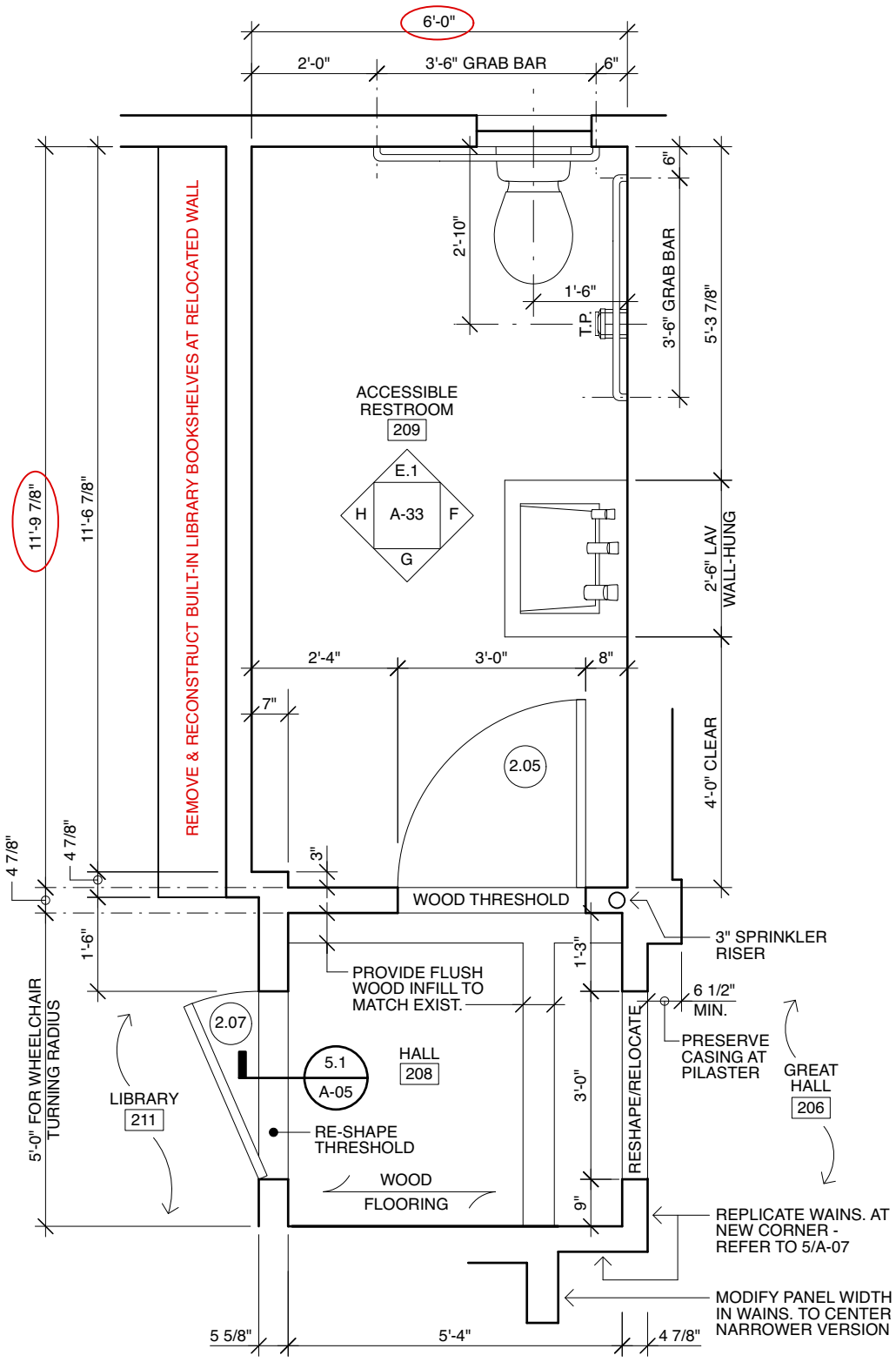
IMAGE EXCERPT FROM ORIGINAL MAAB APPLICATION / PAGE A.13 OF SUBMISSION

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-2.A
SOURCE: MAAB APPLICATION	SCALE: 3/8" - 1'-0"	
DRAWING: 2ND FLR. RESTROOM – ORIG. MAAB APPLICATION	DATE: 5 DEC 2023	



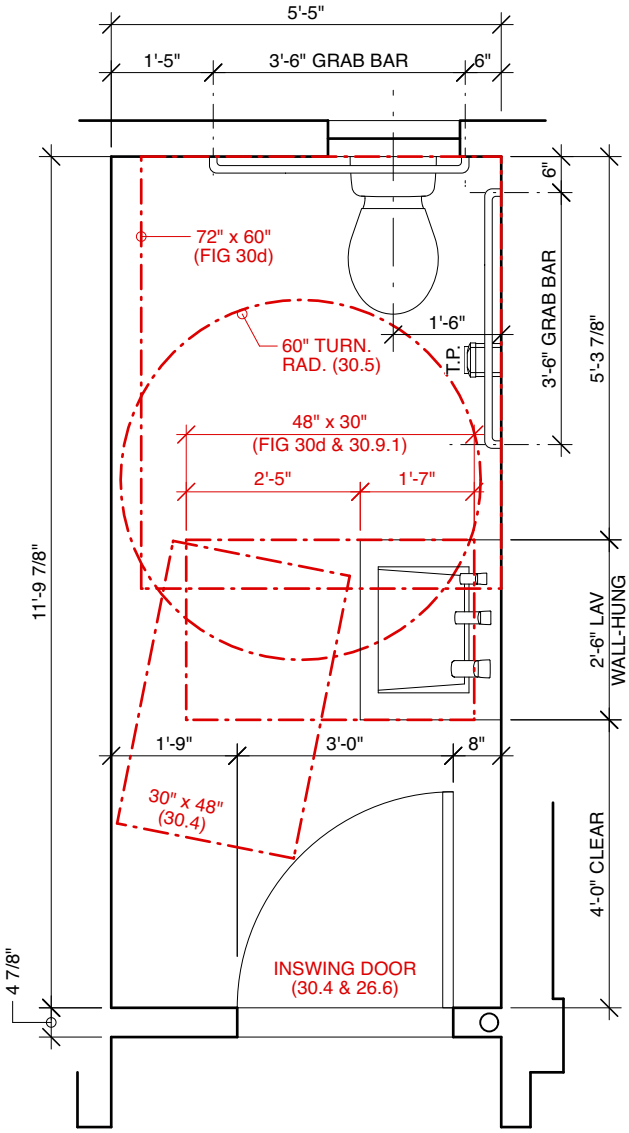
EXCERPT FROM DRAWING 2.1/A-33 OF PERMIT SET TO CITY OF CAMBRIDGE ISD

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-2.B
SOURCE: PERMIT SET 2.1/A-33	SCALE: 3/8" - 1'-0"	
DRAWING: 2ND FLR. RESTROOM – BUILDING PERMIT SET	DATE: 5 DEC 2023	



REVISED DRAWING 2.1/A-33 TO CITY OF CAMBRIDGE ISD FOR 72" x 90" COMPLIANCE

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-2.C
SOURCE: PERMIT AMENDMENT 2.1/A-33	SCALE: 3/8" - 1'-0"	
DRAWING: 2ND FLR. RESTROOM – 72" x 90" (+) COMPLIANCE	DATE: 5 DEC 2023	



ANNOTATED VERSION OF ORIGINAL PERMIT DRAWING 2.1/A-33 FOR MAAB REVIEW

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-2.D
SOURCE: VARIANCE ADMENDMENT	SCALE: 3/8" - 1'-0"	
DRAWING: 2ND FLR. RESTROOM – VARIANCE AMENDMENT	DATE: 5 DEC 2023	

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

SECOND AMENDED NOTICE OF ACTION

Docket Number V **23 124**

RE: Fox Club , 44 JFK Street , Cambridge

On August 15, 2023 the Architectural Access Board received an additional submission from Petitioner The additional documents were reviewed by the Board on September 11, 2023 At that meeting, the Board voted as follows:

#	Section	Result
1	28.1 & 28.12.3 (a)	**GRANTED** as proposed.
2	8.1	**GRANTED** as proposedfor this use only.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: September 12, 2023

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Gunnella WJ

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 47

Fox Club, 44 JFK Street, Cambridge (V23-124) - Third Amended Notice of Action

Joyce, William (DPL) <William.Joyce@mass.gov>

Wed 12/13/2023 4:38 PM

Bcc:Don Mills <donmills@millswhitaker.com>;ccpd@cambridgema.gov <ccpd@cambridgema.gov>;Michael Muehe <Mmuehe@bostoncil.org>;isd@cambridgema.gov <isd@cambridgema.gov>;Richard, Andrew <arichard@cambridgema.gov>

1 attachments (444 KB)

Fox Club, 44 JFK Street, Cambridge (V23-124) - Third Amended Notice of Action.pdf;

Good afternoon,

Please find attached the Notice or Decision for the above referenced case. If you require a paper copy of a Notice or Decision, you may contact me to request one, but be aware that the delivery of physical copies may be delayed.

If you wish to appeal the decision made in this case, you can fill out and send in an Adjudicatory Hearing Request form available here.

If you have any questions please do not hesitate to get in touch with me.

Sincerely,

William Joyce
Executive Director
He/Him/His
Architectural Access Board
Office of Public Safety and Inspections
Division of Occupational Licensure
1000 Washington Street, Suite 710
Boston, MA 02118
617-727-0660
[www.mass.gov/aab]www.mass.gov/aab

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

THIRD AMENDED NOTICE OF ACTION

Docket Number V **23 124**

RE: Fox Club , 44 JFK Street , Cambridge

On December 5, 2023 the Architectural Access Board received an additional submission from Petitioner The additional documents were reviewed by the Board on December 11, 2023 At that meeting, the Board voted as follows:

#	Section	Result
1	30.7.1	**GRANTED** as proposed on the condition that: that automatic door openers are provided
2	20.11	**GRANTED** as proposed.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: December 12, 2023

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnaccio WJ

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 49

	Commonwealth of Massachusetts **Division of Occupational Licensure** **Office of Public Safety and Inspections** **Architectural Access Board** 1000 Washington St., Suite 710 • Boston • MA • 02118 V: 617-727-0660 • www.mass.gov/aab	Docket Number (Office Use Only)

AMENDED APPLICATION FOR VARIANCE

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) **Sign the certification on Page 6.**
4) **Serve copies of the completed application and all attachments via electronic of physical delivery based on the recipient's preference to:**
    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.)**
5) **Complete the Service Notice included with the Application and sign it.**
6) **Deliver the completed Application and all attachments to the Board via electronic or physical delivery:**
    a. **Electronic:**
        i. **Applications should be sent via email to william.joyce@mass.gov & bradley.souders@mass.gov.**
        ii. **The email submission must have the subject line: Variance Amendment - <Docket Number>**
        iii. **The application and all attachments must be in .pdf format**
        iv. **The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.**
    b. **Physical**
        i. **Applications should be sent to the mailing address listed above and must include:**
            1. **The completed application and all attachments.**
            2. **A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),**
            3. **The completed and signed Service Notice.**
        ii. **Please ensure that all documents included are no larger than 11" x 17".**
        iii. **Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.**

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:

The Fox Club
44 JFK Street
Cambridge MA 02138

2. What is the docket number of the existing variance V 23 - 124

3. Briefly describe the extent and nature of the new work performed or to be performed since your original application (use additional sheets if necessary):

The original application indicated three single-user accessible restrooms that did not meet the 72" x 90" dimension noted in Figure 30d of 521 CMR 30.7.1 – Clear Floor Space. The room dimensions shown in the application illustrated that the 72" dimension was not met while the 90" dimension was exceeded. Figure 30d shows a 60" wide x 72" deep area for the water closet whereas the proposed restrooms locate the water closets against the end walls that are less than 72" but more than the 60" width required for water closet clearance. It is the Applicant's belief that clear floor space requirements were met in the original layouts as proposed but this was not demonstrated in the application and no relief was requested.

The Accessibility Analyst in Cambridge ISD requested compliance with the 72" x 90" restroom size in Figure 30d and revised permit drawings for compliance were submitted while noting that a request for MAAB review of the original layouts would be submitted via this Amendment.

Enclosed are drawings of each restroom indicating the original application submission, initial permit drawings, revised permit drawings, and diagrams illustrating clear floor space in the layouts as proposed. It is the Applicant's belief that the cost of full compliance with Figure 30d at $66,500 is excessive without any substantial benefit to those with disabilities.

4. a. Has the Board's Jurisdiction changed since your original application: Yes ○ No ◉

b. If Yes, which section of the Board's Jurisdiction *(see Section 3 of the Board's Regulations)* has now been triggered?

2.6 ☐ 3.2 ☐ 3.3.1(a) ☐ 3.3.1(b) ☐ 3.3.2 ☐ 3.3.4 ☐ 3.4 ☐

5. List **all** building permits that have been applied for since the date of your original application or last amendment, include the issue date and the listed value of the work performed:

Permit #	Date of Issuance	Value of Work
243766		$ 4,288,509.00

(Use additional sheets if necessary.)

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

7. For existing buildings, state the current actual assessed valuation of the **BUILDING ONLY,** as recorded in the **Assessor's Office** of the municipality in which the building is located:
$ 481,200.00

Is the assessment at 100%? no

If not, what is the town's current assessment ratio? 84.00%

8. State the phase of design or construction of the facility as of the date of this application:
Construction Documents Completed; Building Permit Application Pending at Cambridge ISD

9.

Request #1

Section(s) for which you are seeking relief: 30.7.1 / Figure 30d

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☑ Test Drawings,
☑ Other(s): Clear Floor Space in Plans

If yes, when do you propose to be in compliance by: _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

The restrooms as designed provide fixture and maneuvering clearances as required by 521 CMR 30 with the exclusion of room dimensions indicated in Figure 30d. None of the three restrooms meet the 72" dimension of the 72" x 90" room layout shown in Figure 30d and each room exceeds the 90" dimension. Due to the orientation of the water closet in the proposed restrooms, a 72" dimension is greater than needed for toilet access and expanding the rooms does not improve functionality or accessibility for users. In the basement restroom, expansion of the footprint does not affect historic resources, but at the first and second floor restrooms, expansion impacts the integrity of adjacent original rooms (e.g. relocates original walls, modifies an original corner cabinet, relocates historic wall sconce, and reconstructs bookshelves) and impacts the historic integrity of this facility.

The cost of compliance with the 72" width dimension in every restroom results in an added cost of $66,500 without any substantial benefit to persons with disabilities and resulting in the disruption of historic resources. Refer to enclosed diagrams and costs associated with this request.

Request #2

Section(s) for which you are seeking relief: None

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☐ Floor/Site Plans, ☐ Cost Estimates,
☐ Photographs, ☐ Test Drawings,
☐ Other(s): _____

If yes, when do you propose to be in compliance by: _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

AAB 53

Request #3

Types of Attachments for this Request:
☐ Floor/Site Plans, ☐ Cost Estimates,
☐ Photographs, ☐ Test Drawings,
☐ Other(s): _____

Section(s) for which you are seeking relief: None

Are you seeking temporary relief ◯ Yes ◯ No

If yes, when do you propose to be in compliance by: _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Request #4

Types of Attachments for this Request:
☐ Floor/Site Plans, ☑ Cost Estimates,
☐ Photographs, ☑ Test Drawings,
☐ Other(s): _____

Section(s) for which you are seeking relief: None

Are you seeking temporary relief ◯ Yes ◯ No

If yes, when do you propose to be in compliance by: _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

If you require more than 4 requests, please use the *Additional Request Sheet* and complete the *Large Variance Tally Sheet*, both of which are available on the "Forms and Applications" page of the Board's website (http://www.mass.gov/aab).

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION AND SUPPORTING DOCUMENTATION IS TRUE AND CORRECT

Date: 12/5/23



Signature of owner or authorized agent *(required)*

PLEASE PRINT:

Don Mills / Owner's Agent & Architect

Name

Mills Whitaker Architects LLC

Organization (If Applicable)

PO Box 750089

Address

Address 2 (optional)

Arlington MA 02475

City/Town State Zip Code

donmills@millswhitaker.com

E-mail

617-283-5377

Telephone

SERVICE NOTICE

I, Don Mills / Mills Whitaker Architects LLC, as Owner's Agent & Project Architect
(Name) (Relationship to the applicant)

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:

	NAME AND ADDRESS OF PERSON OR AGENCY SERVED	METHOD OF SERVICE	DATE OF SERVICE
1 **Building Department**	Inspectional Services Department 831 Massachusetts Avenue #1 Cambridge MA 02139	via email	12/5/23
2 **Local Commission on Disability** **(If Applicable)**	Commission for Persons w/ Disabilities 51 Inman Street Cambridge MA 02139	via email	12/5/23
3 **Independent Living Center**	Boston Center for Independent Living 60 Temple Place Boston MA 02111	via email	12/5/23



Signature

12/5/23
Date

MILLS WHITAKER ARCHITECTS
ARLINGTON MA www.millswhitaker.com BRIDGTON ME

DATE: 5 February 2023

FACILITY: **FOX CLUB**
44 JFK Street
Cambridge MA 02138

SUBJECT: V23-124 / Amended Application for a Variance
Single-User Restroom Size / 521 CMR 30.7.1 – Figure 30d

RE: Attachments to Amended Application / REQUEST #1

The original Variance Application for the Fox Club (circa 1902) in the Harvard Square National Register Historic District indicated three single-user accessible restrooms. While it was the Applicant's belief that the restroom layouts provided accessibility in full compliance with 521 CMR, they did not meet the 72" width illustrated in the 72" x 90" dimension of Figure 30d in 30.7.1. Unfortunately, the Applicant did not request MAAB's review of the proposed restroom dimensions via the application. Consequently, when building permit drawings were developed and submitted to ISD in Cambridge, the Accessibility Analyst requested that the restrooms meet the 72" x 90" requirement as illustrated in Figure 30d.

After discussion between the Architect and Accessibility Analyst, the permit drawings were revised to meet the 72" dimension since that was lacking in the proposed layouts. Upon submission, the layouts were approved, and accessibility signoff was provided by ISD as part of the permit review process. Prior to submitting the revised permit drawings, the Applicant informed the Accessibility Analyst that an Amended Application would be prepared and submitted to the MAAB for review of the originally proposed layouts for consideration.

Enclosed are the following documents to substantiate this request for the restrooms as proposed in the original application and further developed in the construction documents.

AMENDED APPLICATION FOR VARIANCE (7 pages including Service Notice)

NARRATIVE of AMENDED APPLICATION / PHOTOS / COSTS (4 pages)

- Basement Accessible Restroom
- First Floor Accessible Restroom
- Second Floor Accessible Restroom
- Cost of Full Compliance

SKA SERIES OF DRAWINGS (13 pages)

- Title Page + Four Drawings of each Restroom (SKA)
- Images from Original Application with Restroom Dimensions (SKA-#.A)
- Excerpts from Permit Set initially submitted to Cambridge ISD (SKA-#.B)
- Excerpts from Revised Permit Set submitted to Cambridge ISD (SKA-#.C)
- Diagrams of Proposed Restrooms with Clear Floor Space shown (SKA-#.D)

P.O. Box 750089
Arlington MA 02475
617.876.7611 voice
617.876.6420 fax

BASEMENT ACCESSIBLE RESTROOM

The existing basement has two inaccessible restrooms, and the project will modify conditions to provide three restrooms, one of which will be accessible. The proposed accessible restroom is 72" deep at the lavatory area, 66" deep at the water closet area, and 105" long. The water closet will be on the 66" wall with 18" from the toilet centerline to the near wall and 48" to the far wall (18" + 42" = 60" required). The proposed plan does not match the configuration and orientation of the illustration in Figure 30d, but in the Applicants' belief it provides equivalent accessibility. Refer to the drawings for more information and clear floor space provisions.

SKA-0.A:	Image from Original MAAB Application
SKA-0.B:	Excerpt from Permit Drawings to Cambridge ISD
SKA-0.C:	Excerpt from Revised Permit Drawings to Cambridge ISD
SKA-0.D:	Clear Floor Space Annotations of Proposed Layout

Increasing the 66" dimension of the room at the water closet wall area to 72" as shown in the revised permit drawing SKA-0.C would not improve accessibility provisions since clear floor space conditions are met in the proposed layout as illustrated in SKA-0.D.

FIRST FLOOR ACCESSIBLE RESTROOM

The existing first floor has a tightly constrained hall leading into an inaccessible restroom with a lavatory and water closet. The project will enlarge the hallway and modify the restroom for accessibility. The water closet will be at the end wall with a room width of 65 3/8" providing 18" from the toilet centerline to the near wall and 47 3/8" to the far wall (18" + 42" = 60" required).

SKA-1.A:	Image from Original MAAB Application
SKA-1.B:	Excerpt from Permit Drawings to Cambridge ISD
SKA-1.C:	Excerpt from Revised Permit Drawings to Cambridge ISD
SKA-1.D:	Clear Floor Space Annotations of Proposed Layout

Clear floor space requirements are met in the proposed layout with dimensions of 65 3/8" wide x 141 5/8" long as noted in SKA-1.D. If the room is widened by 6 5/8" to 72" per the revised permit drawing as shown in SKA-1.C, it would not improve accessibility and would require relocation of an original wall, built-in corner cabinet and wall sconce in the adjacent Parlor.

At right is a photo at the corner of the Parlor wall that is shared with the existing restroom. The original built-in corner cabinet and wall sconce lighting fixture will require modification if the restroom wall is removed and relocated and yet, no further accessibility would be provided in the expanded room as compared to the proposed layout.



SECOND FLOOR ACCESSIBLE RESTROOM

The existing second floor has a tightly constrained hall leading into an inaccessible restroom with a lavatory, urinal, and water closet. The project will enlarge the hallway, delete the urinal, and modify the restroom for accessibility. The water closet will be at the end wall with a room width of 65" providing 18" from the toilet centerline to the near wall and 47" to the far wall (18" + 42" = 60" required).

SKA-2.A:	Image from Original MAAB Application
SKA-2.B:	Excerpt from Permit Drawings to Cambridge
SKA-2.C:	Excerpt from Revised Permit Drawings to Cambridge
SKA-2.D:	Clear Floor Space Annotations of Proposed Layout

Clear floor space requirements are met in the proposed layout of the room with dimensions of 65" wide x 141 7/8" long as noted in SKA-2.D. If the room is widened by 7" to 72" per the revised permit drawing SKA-2.C, it would not improve accessibility and would require relocation of an original set of built-in set bookshelves in the adjacent Library.

Below is a photo of the existing shared wall between the Library and restroom showing the original bookshelves. Widening of the restroom requires relocation of the wall and reconstruction of the bookshelves and yet, no further accessibility would be provided as compared to the proposed recommended layout.



COST OF FULL COMPLIANCE

While making each restroom comply with the 72" dimension in Figure 30d is feasible, doing so does not increase the level of accessibility provided. In Figure 30d, the water closet is mounted against the 90" wall and 72" of clearance is provided across the room to the opposite wall. A width of 60" is shown in Figure 30d for clearance at the wall to which the water closet abuts and the balance of the 90" provides 30" clear width for the lavatory. In the layout as proposed for the Fox Club, the water closet is mounted against the end wall that is 66" wide at the basement, 65 3/8" wide at the first floor, and 65" wide at the second floor, … all in excess of the minimum 60" as required based on the orientation of the water closet in the room (90-degree rotation as compared to Figure 30d).

Clearances for a 60" turning radius, 30" x 48" at the lavatory, and 30" x 48" beyond the swing of the door are all indicated in the SKA-#.D drawings. Costs for full compliance are itemized as follows:

Amended Application Request #1: Cost of Full Compliance to 521 CMR Fig. 30d	
30.7.1 / Figure 30d: Dimension of Single-User Accessible Restroom	
$450	**Expand Basement Accessible Restroom 6" x 67" for 72" Compliance** > Increased Cost of Restroom Finishes into Expanded Area
$19,850	**Expand First Floor Restroom to 72" x 141 5/8" for Compliance** > Relocate Original Wall ~ 6 5/8" into Adjacent Parlor > Sister Joists for Wall Support & Patch Floor, Walls, & Ceiling > Increased Cost of Restroom Finishes into Expanded Area > Relocate Original Corner Cabinet & Wall Sconce in Adjacent Parlor
$28,850	**Expand Second Floor Restroom to 72" x 141 7/8" for Compliance** > Relocate Original Wall ~ 7" into Adjacent Library > Sister Joists for Wall Support & Patch Floor, Walls, & Ceiling > Increased Cost of Restroom Finishes into Expanded Area > Remove Original Bookshelves and Reconstruct in Adjacent Library
$49,150	**Subtotal of Estimated Direct Trade Costs for 30.7.1 Compliance**
$17,350	**Gen'l Conditions, G.C.'s OH+P, Contingency, A/E Revision Design Fees**
$66,500	**Estimated Project Cost for Full Compliance with 30.7.1 / Figure 30d**

It is the Applicant's belief that the cost of $66,500 for full compliance with 72" x 90" dimension in Figure 30d of 521 CMR 30.7.1 is excessive without any substantial benefit for persons with disabilities, and full compliance would require the disruption, removal, and reconfiguration of original features of this historic facility.

LIST OF DRAWINGS

SKA	TITLE PAGE / ACCESSIBLE RESTROOMS
SKA-0.A	BASEMENT RESTROOM – ORIG. MAAB APPLICATION
SKA-0.B	BASEMENT RESTROOM – BUILDING PERMIT SET
SKA-0.C	BASEMENT RESTROOM – 72” x 90”(+) COMPLIANCE
SKA-0.D	**BASEMENT RESTROOM – VARIANCE AMENDMENT**
SKA-1.A	1ST FLOOR RESTROOM – ORIG. MAAB APPLICATION
SKA-1.B	1ST FLOOR RESTROOM – BUILDING PERMIT SET
SKA-1.C	1ST FLOOR RESTROOM – 72” x 90”(+) COMPLIANCE
SKA-1.D	**1ST FLOOR RESTROOM – VARIANCE AMENDMENT**
SKA-2.A	2ND FLOOR RESTROOM – ORIG. MAAB APPLICATION
SKA-2.B	2ND FLOOR RESTROOM – BUILDING PERMIT SET
SKA-2.C	2ND FLOOR RESTROOM – 72” x 90”(+) COMPLIANCE
SKA-2.D	**2ND FLOOR RESTROOM – VARIANCE AMENDMENT**

DRAWING SUMMARY INFORMATION

SKA-#.A SERIES / ORIGINAL VARIANCE APPLICATION SUBMISSION:
Proposed accessible restrooms as submitted in the original variance application. Dimensions of each room were noted, but layouts did not meet 72” x 90” restroom size per 521 CMR 30.7.1 Figure 30d. In the Architect’s opinion, substantially equivalent access was provided per 2.5.1 but this was not demonstrated in the variance application nor brought to the Board’s attention.

SKA-#.B SERIES / BUILDING PERMIT APPLICATION SUBMISSION:
Proposed accessible restrooms as submitted in the permit application to the City of Cambridge Inspectional Services Department showing further development of the plans and minor increases in dimensions. Accessibility Analyst did not approve the layouts and requested that the restrooms meet the 72” x 90” floor plan dimensions as illustrated in Figure 30d.

SKA-#.C SERIES / REVISED BUILDING PERMIT DRAWINGS:
Revisions to each of the proposed accessible restrooms as amended for the permit application showing compliance with the 72” x 90” (+) requirement as requested by the Accessibility Analyst at Cambridge ISD. Revised layouts were approved as revised in the permit set.

SKA-#.D SERIES / VARIANCE AMENDMENT SUBMISSION:
Variance amendment request based on the original layout with drawings indicating compliance with clear floor space requirements for maneuvering and fixture clearances. Also note that each restroom is larger in overall area than the 72” x 90” requirement as noted below:

Figure 30d:	45 square feet (72” x 90”)	
Basement:	49 square feet (66” x 103”) + (36” x 6”)	*... {66" x 102" initially @ 47 SF}*
First Floor:	64 square feet (65 3/8” x 141 5/8”)	*... {61" x 140" initially @ 59 SF}*
Second Floor:	64 square feet (65” x 141 7/8”)	*... {61" x 140" initially @ 59 SF}*

It is the Applicant’s belief that the proposed restroom layouts in **SKA-0.D**, **SKA-1.D**, & **SKA-2.D** are alternative designs providing substantially equivalent access per 521 CMR 2.5.1 or, if necessary, require a variance from 521 CMR 30.7.1 Figure 30d. See information in the amendment narrative relative to cost, lack of substantial benefit, and historic preservation.

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA
SOURCE: N/A	SCALE: N/A	
DRAWING: TITLE PAGE / ACCESSIBLE RESTROOMS	DATE: 5 DEC 2023	

AAB 61

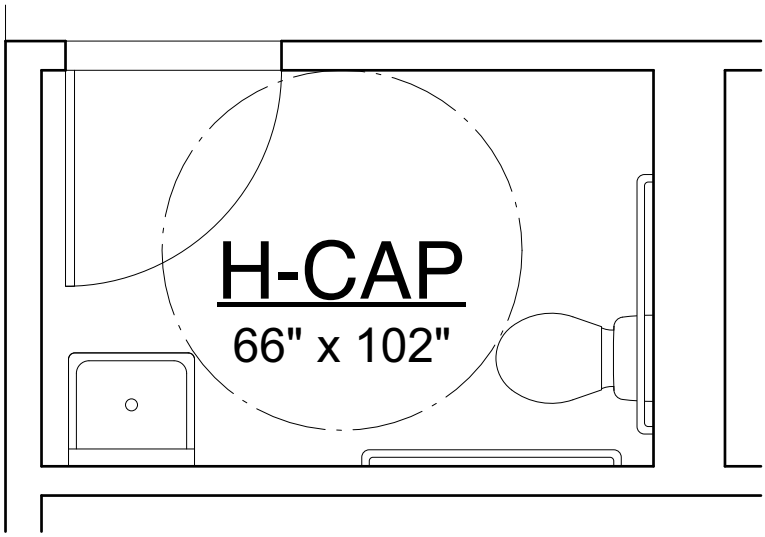
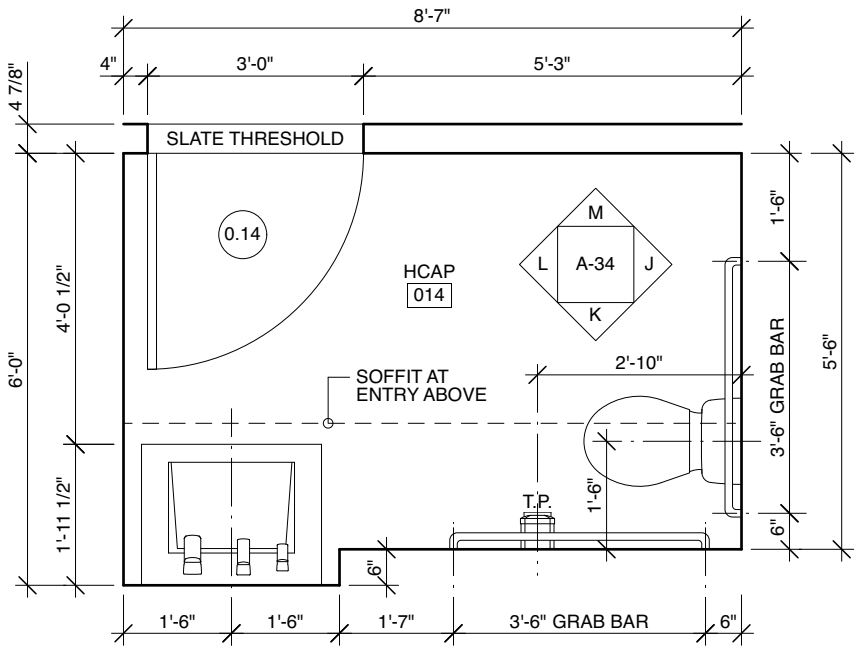


IMAGE EXCERPT FROM ORIGINAL MAAB APPLICATION / PAGE A.9 OF SUBMISSION

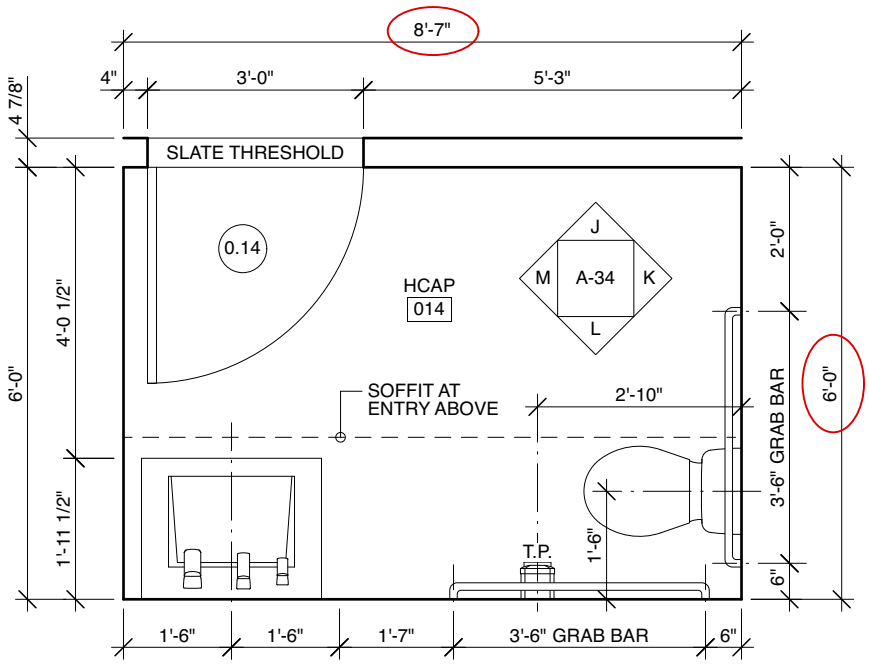
PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-0.A
SOURCE: MAAB APPLICATION	SCALE: 3/8" - 1'-0"	
DRAWING: BSMT. RESTROOM - ORIG. MAAB APPLICATION	DATE: 5 DEC 2023	



EXCERPT FROM DRAWING 3/A-34 OF PERMIT SET TO CITY OF CAMBRIDGE ISD

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-0.B
SOURCE: PERMIT SET 3/A-34	SCALE: 3/8" - 1'-0"	
DRAWING: BSMT. RESTROOM - BUILDING PERMIT SET	DATE: 5 DEC 2023	

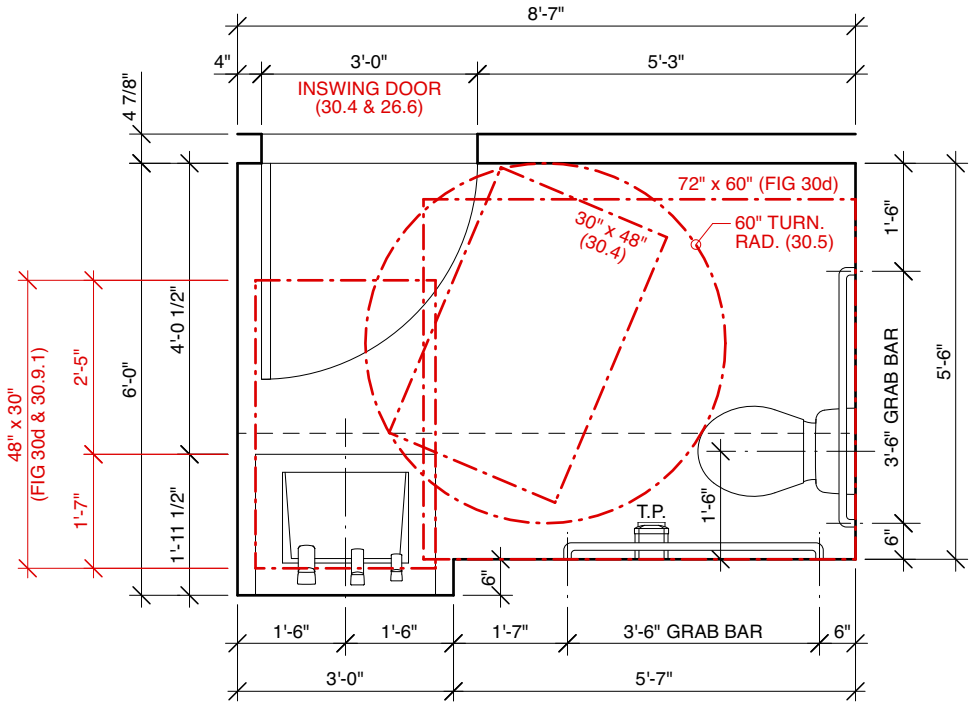
AAB 63



REVISED DRAWING 3/A-34 TO CITY OF CAMBRIDGE ISD FOR 72" x 90" COMPLIANCE

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-0.C
SOURCE: PERMIT AMENDMENT 3/A-34	SCALE: 3/8" - 1'-0"	
DRAWING: BSMT. RESTROOM - 72" x 90" (+) COMPLIANCE	DATE: 5 DEC 2023	

AAB 64



ANNOTATED VERSION OF ORIGINAL PERMIT DRAWING 3/A-34 FOR MAAB REVIEW

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-0.D
SOURCE: VARIANCE ADMENDMENT	SCALE: 3/8" - 1'-0"	
DRAWING: BSMT. RESTROOM - VARIANCE AMENDMENT	DATE: 5 DEC 2023	

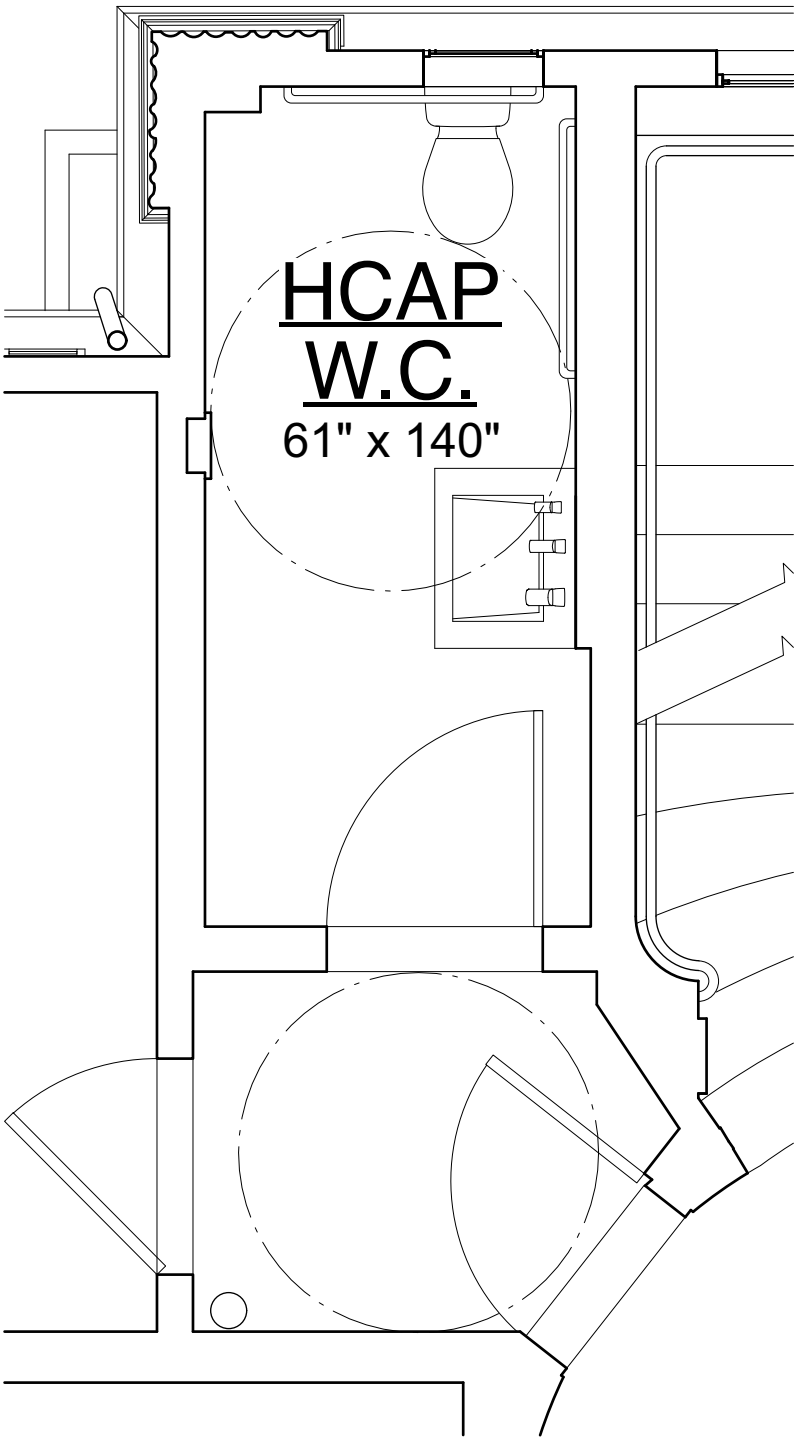
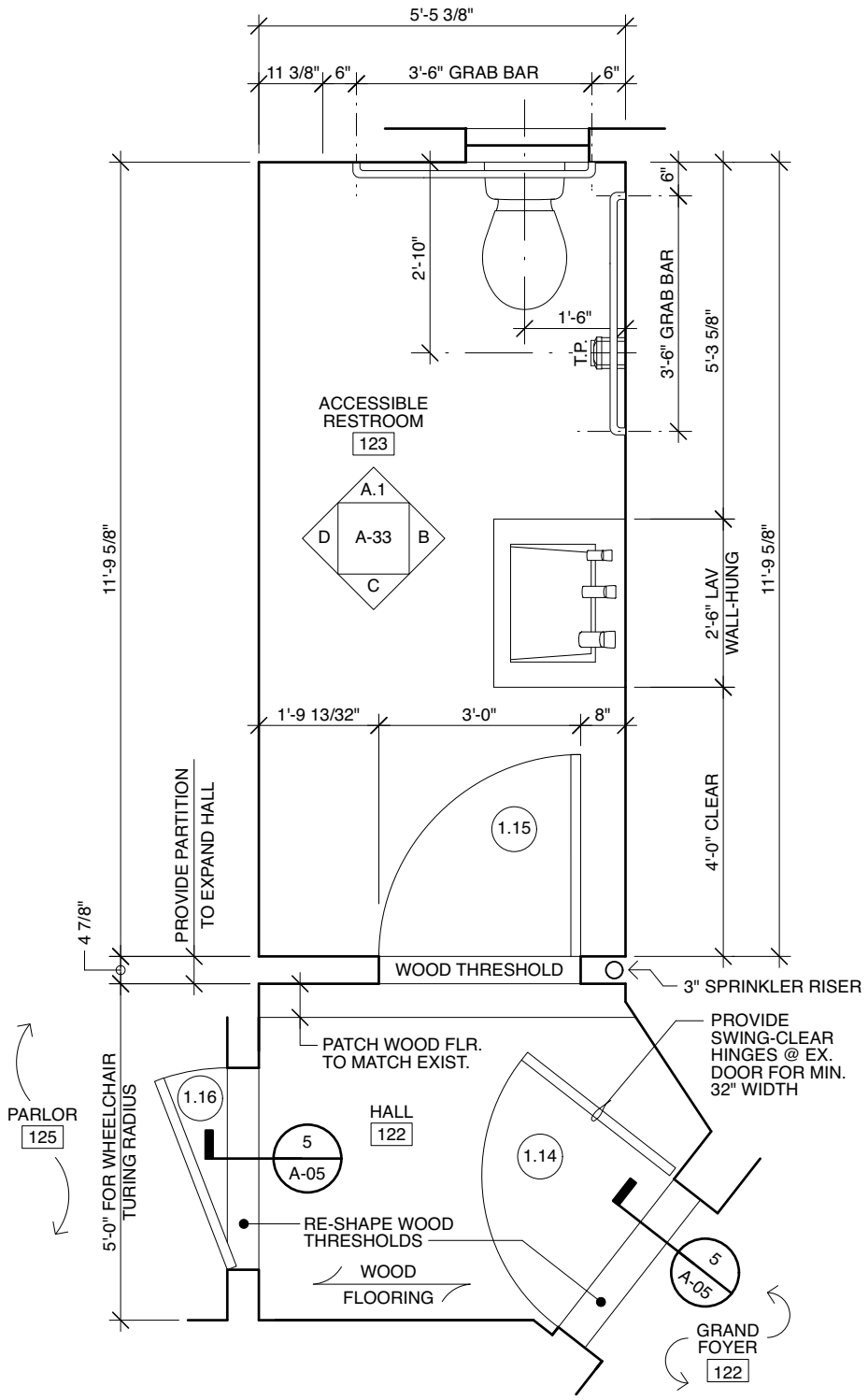


IMAGE EXCERPT FROM ORIGINAL MAAB APPLICATION / PAGE A.11 OF SUBMISSION

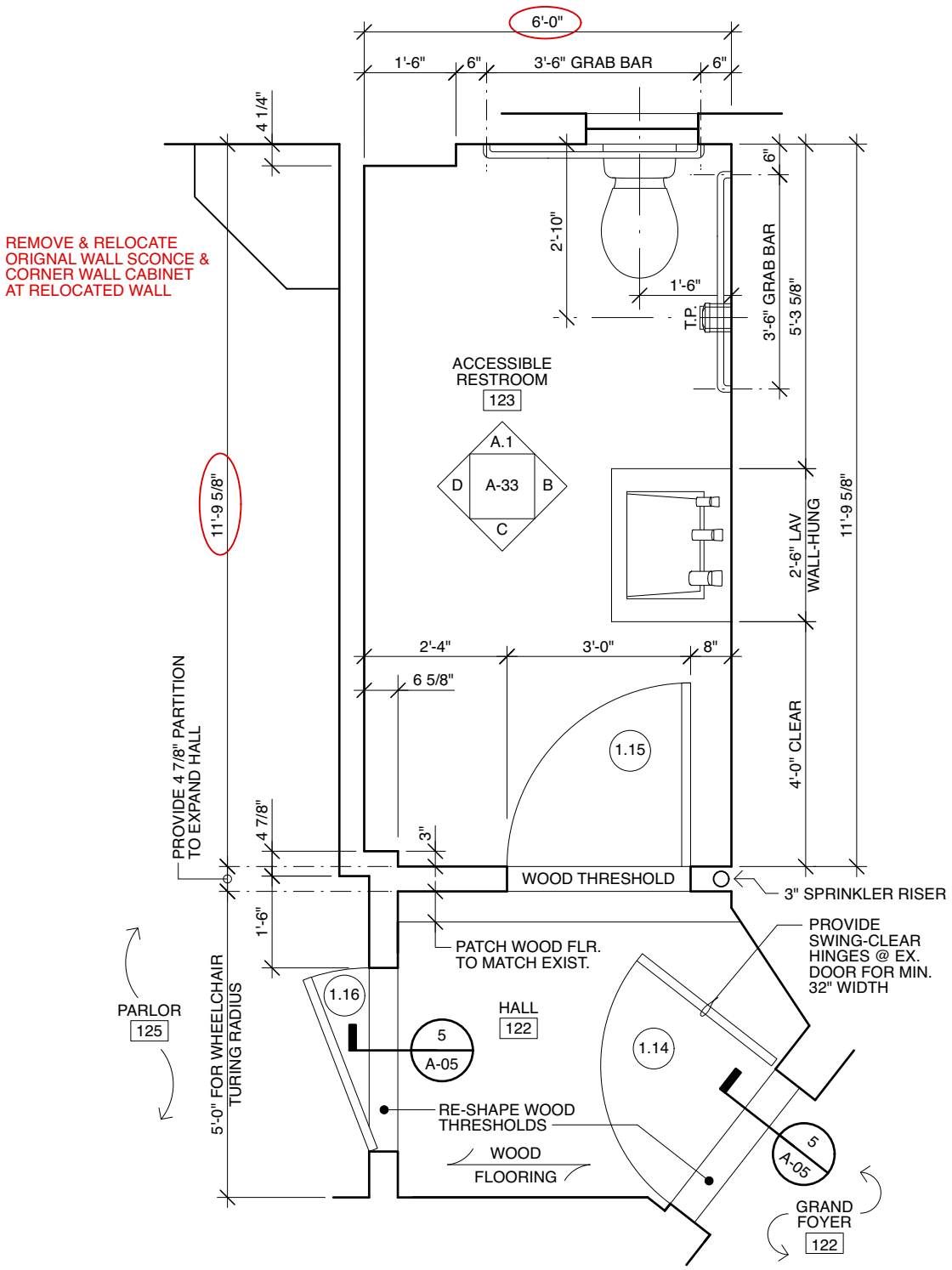
PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-1.A
SOURCE: MAAB APPLICATION	SCALE: 3/8" - 1'-0"	
DRAWING: 1ST FLR. RESTROOM – ORIG. MAAB APPLICATION	DATE: 5 DEC 2023	



EXCERPT FROM DRAWING 1.1/A-33 OF PERMIT SET TO CITY OF CAMBRIDGE ISD

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-1.B
SOURCE: PERMIT SET 1.1/A-33	SCALE: 3/8" - 1'-0"	
DRAWING: 1ST FLR. RESTROOM – BUILDING PERMIT SET	DATE: 5 DEC 2023	

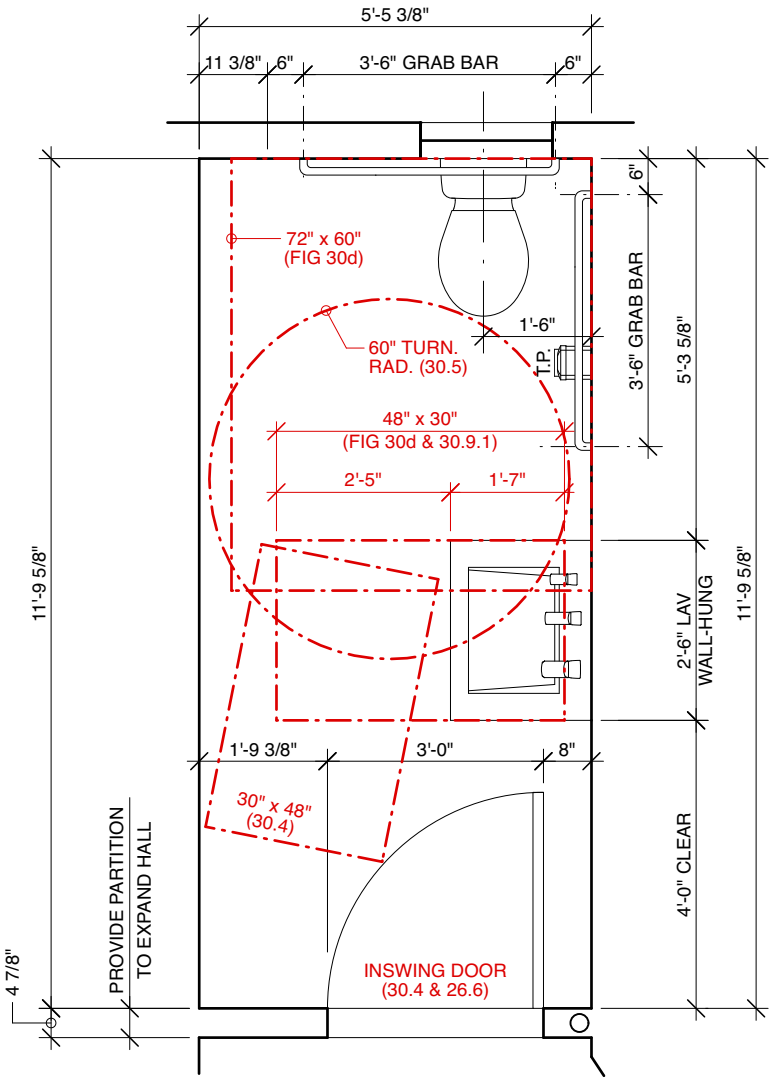
AAB 67



REVISED DRAWING 1.1/A-33 TO CITY OF CAMBRIDGE ISD FOR 72" x 90" COMPLIANCE

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-1.C
SOURCE: PERMIT AMENDMENT 1.1/A-33	SCALE: 3/8" - 1'-0"	
DRAWING: 1ST FLR. RESTROOM – 72" x 90" (+) COMPLIANCE	DATE: 5 DEC 2023	

AAB 68



ANNOTATED VERSION OF ORIGINAL PERMIT DRAWING 1.1/A-33 FOR MAAB REVIEW

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-1.D
SOURCE: VARIANCE AMENDMENT	SCALE: 3/8" - 1'-0"	
DRAWING: 1ST FLR. RESTROOM – VARIANCE AMENDMENT	DATE: 5 DEC 2023	

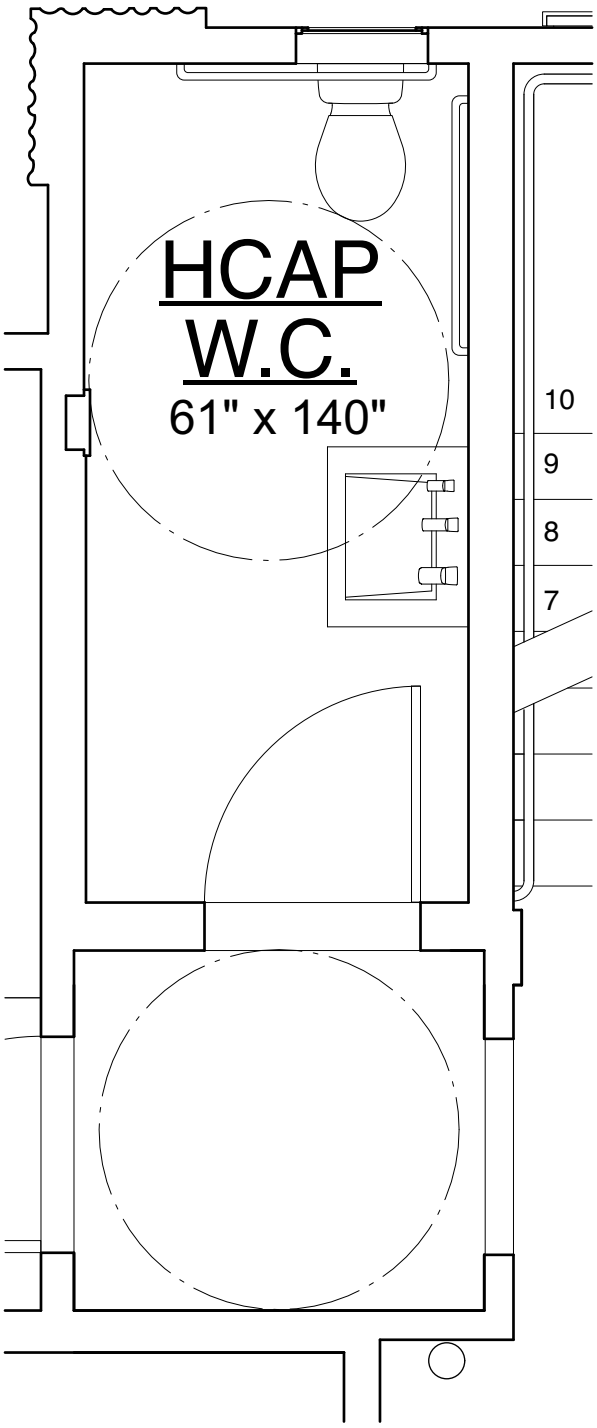
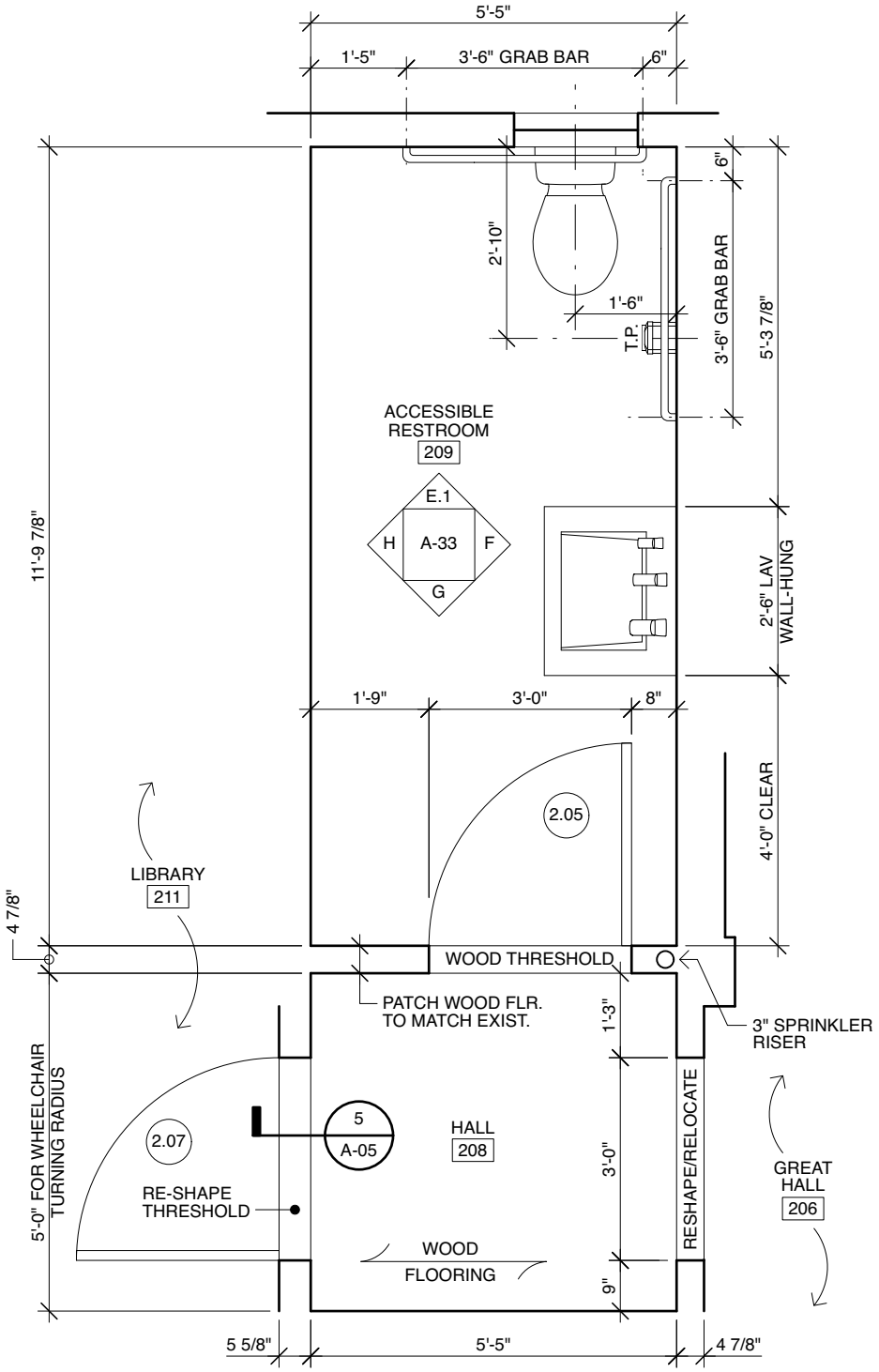


IMAGE EXCERPT FROM ORIGINAL MAAB APPLICATION / PAGE A.13 OF SUBMISSION

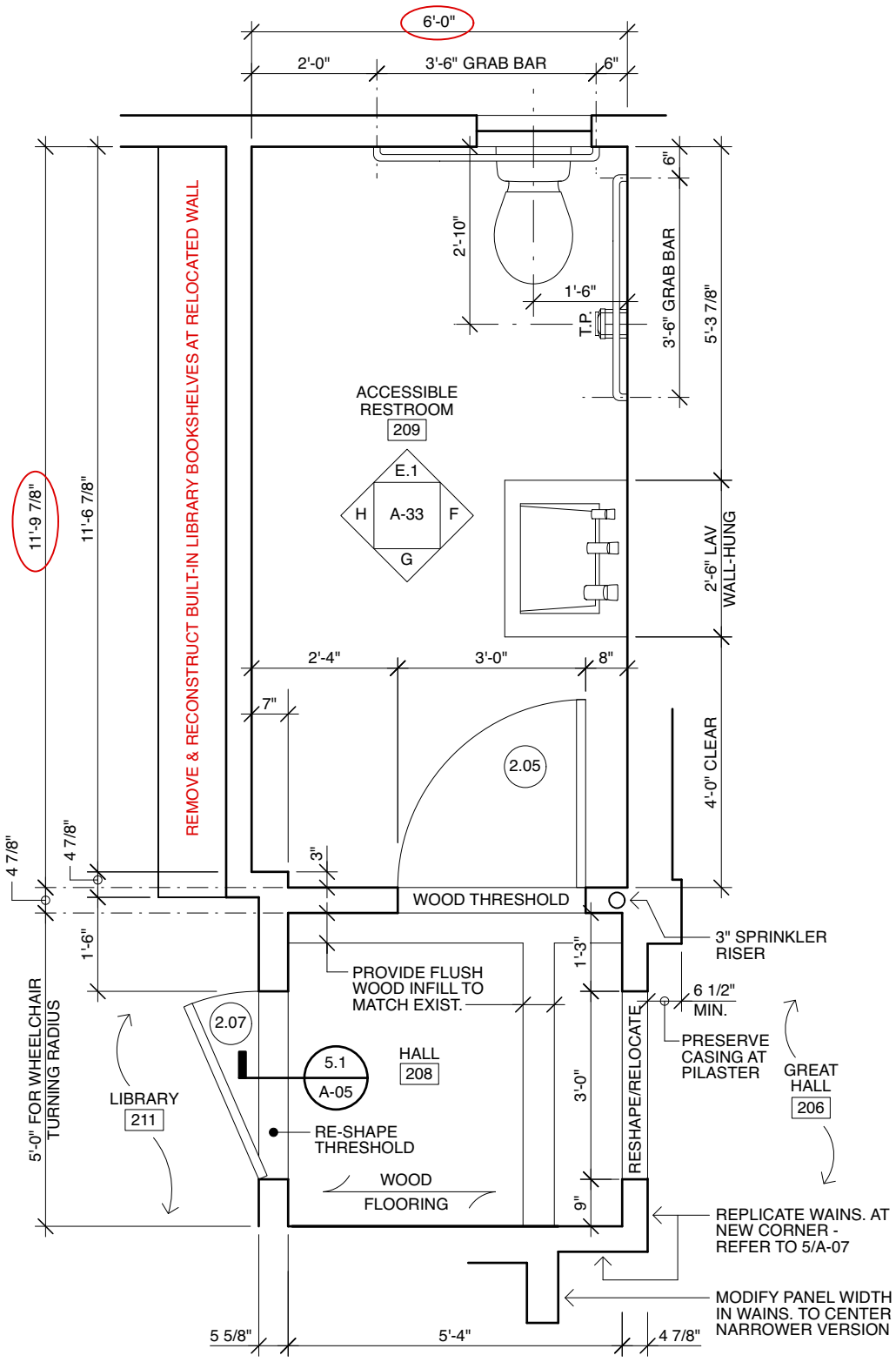
PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-2.A
SOURCE: MAAB APPLICATION	SCALE: 3/8" - 1'-0"	
DRAWING: 2ND FLR. RESTROOM – ORIG. MAAB APPLICATION	DATE: 5 DEC 2023	



EXCERPT FROM DRAWING 2.1/A-33 OF PERMIT SET TO CITY OF CAMBRIDGE ISD

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-2.B
SOURCE: PERMIT SET 2.1/A-33	SCALE: 3/8" - 1'-0"	
DRAWING: 2ND FLR. RESTROOM – BUILDING PERMIT SET	DATE: 5 DEC 2023	

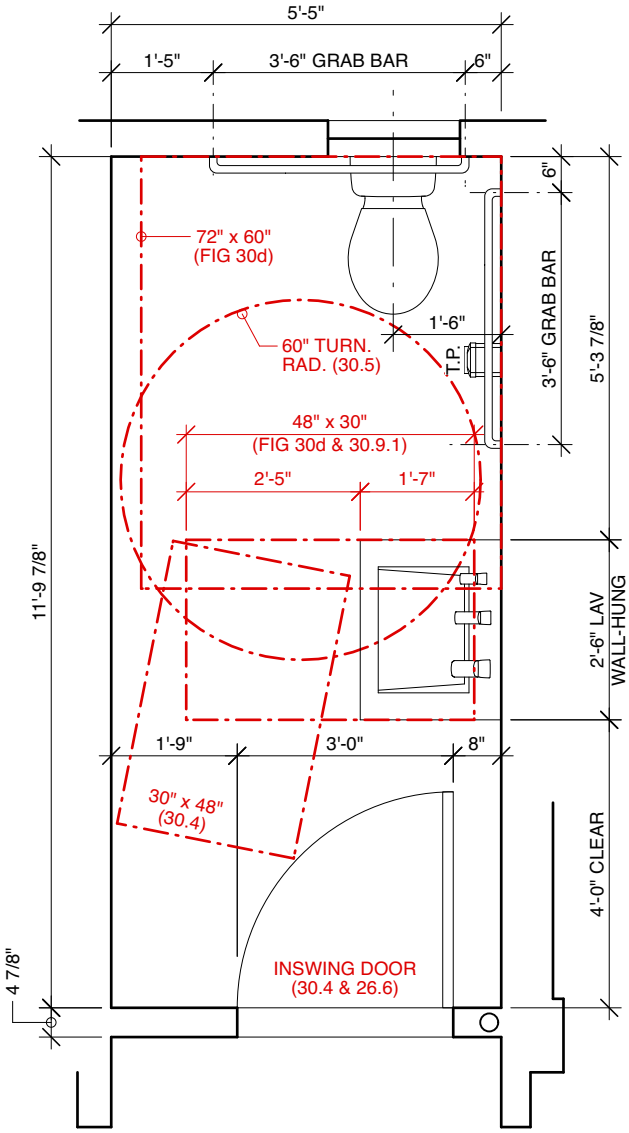
AAB 71



REVISED DRAWING 2.1/A-33 TO CITY OF CAMBRIDGE ISD FOR 72" x 90" COMPLIANCE

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-2.C
SOURCE: PERMIT AMENDMENT 2.1/A-33	SCALE: 3/8" - 1'-0"	
DRAWING: 2ND FLR. RESTROOM – 72" x 90" (+) COMPLIANCE	DATE: 5 DEC 2023	

AAB 72



ANNOTATED VERSION OF ORIGINAL PERMIT DRAWING 2.1/A-33 FOR MAAB REVIEW

PROJECT: THE FOX CLUB RENOVATION 44 JOHN F. KENNEDY STREET CAMBRIDGE MA 02138	MILLS WHITAKER ARCHITECTS, LLC P.O. Box 750089 Arlington MA 02475	SKA-2.D
SOURCE: VARIANCE ADMENDMENT	SCALE: 3/8" - 1'-0"	
DRAWING: 2ND FLR. RESTROOM – VARIANCE AMENDMENT	DATE: 5 DEC 2023	

FW: Variance Amendment V23-124 / Fox Club at 44 JFK St in Cambridge

Don Mills <donmills@millswhitaker.com>

Tue 12/5/2023 2:46 PM

To:Henning, Bill <bhenning@bostoncil.org>;Susan Smith <ssmith@bostoncil.org>
Cc:Joyce, William (DPL) <William.Joyce@mass.gov>;Chase, Andrew M (DPL) <Andrew.M.Chase@mass.gov>

1 attachments (5 MB)

Variance Amendment V23-124.pdf;

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Bill & Susan,

I received an auto-reply from my email to Taciana related to a Variance Amendment as attached. The reply listed both of you as alternative contacts in her absence. Let me know if you have any questions.

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

From: Don Mills <donmills@millswhitaker.com>
Date: Tuesday, December 5, 2023 at 14:40
To: Joyce, William (REG) <william.joyce@state.ma.us>
Cc: Richard, Andrew <arichard@cambridgema.gov>, Vigneault, Branden <bvigneault@cambridgema.gov>, tribeiro-saab@bostoncil.org <tribeiro-saab@bostoncil.org>, Tanenhaus, Rachel <rtanenhaus@Cambridgema.gov>, Chase, Andrew M (DPL) <Andrew.M.Chase@mass.gov>
Subject: Variance Amendment V23-124 / Fox Club at 44 JFK St in Cambridge

Will,

Attached please find an "Amended Application for Variance" relative to V23-124. Please let me know if you have any questions or require any additional information.

(BTW: I have copied Andrew Chase instead of Bradley Souders.)

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

AAB 74

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

SECOND AMENDED NOTICE OF ACTION

Docket Number V **23 124**

RE: Fox Club , 44 JFK Street , Cambridge

On August 15, 2023 the Architectural Access Board received an additional submission from Petitioner The additional documents were reviewed by the Board on September 11, 2023 At that meeting, the Board voted as follows:

#	Section	Result
1	28.1 & 28.12.3 (a)	**GRANTED** as proposed.
2	8.1	**GRANTED** as proposedfor this use only.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: September 12, 2023

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnaccio WJ

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 75

Souders, Bradley (DPL)

From: Don Mills <donmills@millswhitaker.com>
Sent: Tuesday, August 15, 2023 6:53 AM
To: Joyce, William (DPL)
Cc: Souders, Bradley (DPL); Matt Pierce; bvigneault@cambridgema.gov; tribeiro-saab@bostoncil.org; rtanenhaus@cambridgema.gov
Subject: Fox Club Continuance V23-124 / 44 JFK St Cambridge
Attachments: Fox MAAB V23-124 Continuance 230815.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Joyce,

Attached please find information for continuance of V23-124 in relation to the third floor as requested. Please confirm receipt and let me know if you have any questions.

We look forward to your continuing review on August 21st.

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

AAB 76

MILLS WHITAKER ARCHITECTS
ARLINGTON MA www.millswhitaker.com BRIDGTON ME

15 August 2023

William Joyce, Executive Director
Massachusetts Architectural Access Board
1000 Washington Street, Suite 710
Boston MA 02118

RE: Fox Club / 44 JFK Street / Cambridge
V23-124 Continuance

Dear Mr. Joyce,

Enclosed please find updated variance application information in response to comments during the Board's administrative review on August 7. The variance request from 521 CMR 28.1 Elevators is amended, and relief is requested from 521 CMR 8.4 Transient Lodging.

The Board requested clarification about the transient lodging use of the third floor in reference to 521 CMR 8.1.b since the proprietor is not a resident in the building. The building is owned by Fox Club Holdings LLC and members of the Fox Club Graduate Association collectively have authority over the building per the 521 CMR 5 definition of "Proprietor." However, there is no single person with the "right to dispose of the establishment or such fee portion as vested in him or her" since that requires a super majority vote of the members. Also, no member permanently resides in the building, and it is not unusual for none of the third floor sleeping rooms to be in use. So, exception 8.1.b does not apply.

The existing third floor contains a total of four (4) sleeping rooms, and after the addition is constructed, there will be three (3) sleeping rooms because the southernmost room will lose its dormer window and its access to natural light as required by the building code. The first exception to accessibility for Transient Lodging, 521 CMR 8.1.a, states that a facility with five or fewer rooms is exempt. However, since the second exception is moot since the proprietor not in residence as noted above, one of the sleeping rooms must be accessible per 521 CMR 8.4. Documentation herein indicates two options for compliance and proposes that the cost of compliance is excessive as compared to the benefit gained for persons with disabilities.

Please note that the overall intent of this project is to make this significant historic building into an accessible facility. Hence, the accessibility provisions as proposed are the primary impetus for this project, not the result of having triggered 521 CMR 3.3.2 for full compliance.

Of the estimated construction cost, approximately 65% is directly attributable to accessibility improvements while the remainder is for infrastructure and related life safety improvements (HVAC replacement, electrical upgrades, automatic fire suppression). Of the variances requested, those related to entrances (25), doorways (26), and stairs (27) have been granted.

P.O. Box 750089
Arlington MA 02475
617.876.7611 voice
617.876.6420 fax

The request for elevators (28) is the subject of this continuance since the proposed LULA cannot provide access to the third floor sleeping rooms. The maximum vertical rise for a LULA in Massachusetts is 25' from the lowest level to the top landing, and the proposed LULA will have a rise of 22'-4" from basement to second floor. Note that the overall rise from the basement to the third floor is 33'-7", and the rise from the accessible entrance in the addition to the third floor is 27'-1". Hence, the LULA cannot feasibly provide third floor access.

The provision of a full passenger elevator to serve all floors was reviewed and its size would be disruptive to the scale of the historic building envelope whereas the proposed LULA can be well integrated into the modest-sized addition that is proposed for accessibility. The LULA is supported by the Massachusetts Historical Commission MHC), Cambridge Commission for Persons with Disabilities (CCPD), and Cambridge Historical Commission (CHC). The cost of an elevator was shown in the variance application to be excessive as compared to the benefit gained for persons with disabilities, and that estimate has now been revised to include the cost of renovating the third floor for compliance with 521 CMR 8 – Transient Lodging.

During the recent administrative review by the Board, Commissioners seemed to recognize that a LULA was an appropriate solution for the historic building, but requested the applicant to consider how to provide access to the third floor sleeping rooms given that no proprietor resides on premises and that intermittent use by the proprietor (club members) does not qualify the facility for the exemption noted in 521 CMR 8.1.b.

Modifications to the third floor for provision of an accessible sleeping room can be achieved, but the results would be less than ideal. The third floor is nested beneath the roof of the historic building and is essentially a finished attic. The sloping ceilings intersect perimeter knee walls in typical sleeping rooms at 48" AFF, and in the northernmost room at 26" AFF. While the front hall has an adequate ceiling height due to the main stair and its large rear dormer, the back hall has the same sloping ceiling as the sleeping rooms. Consequently, the ceiling height diminishes quickly from 102" in the central area to 48" at the perimeter, with a minimum ceiling height of 80" AFF located 40" away from the perimeter walls in the back hall and sleeping rooms, requiring installation of cane detection barriers in compliance with 521 CMR 20.7 for accessible common spaces and for one sleeping room.

In addition to cane detection barriers, other required modifications at the third floor for compliance with 521 CMR 8 include reconfiguration of some partitions, replacement of some doors, provision of one accessible sleeping room, expansion of the bathroom, and provision of a kitchenette. The kitchenette would include an accessible sink, refrigerator, counter, and microwave with retractable tray. The club will not provide a cooktop due to concerns about fire hazards, treating the three sleeping rooms similarly to a dormitory suite. The bedroom would include a sleeping area with closet space. The bathroom, kitchenette, and bedroom would follow Group 2B requirements of 521 CMR 44, 45, and 47 respectively.

Modifications to the second floor will require provision of a two-stop vertical wheelchair lift in place of the steward's office (club facility manager). This room is located directly below a small closet on the third floor adjacent to the main stair and part of the back hall. The office

is located directly above the first floor bar area containing original fresco artwork painted on the walls by club member Fernando Zóbel, a 1949 Harvard graduate and internationally renowned painter, businessman, art collector, and museum founder.

Two options for providing access to the third floor have been reviewed in terms of cost. Since the LULA elevator respects the historic building and site by minimizing visual impact, and since it received unanimous support from MHC, CCPD, and CHC, the first option reviewed was for LULA access to the second floor and for a vertical wheelchair lift to travel from the second to third floor. The next option reviewed was for the full passenger elevator to serve all floors. Both options include modifications to the third floor for providing one accessible sleeping room, accessible bathroom, accessible kitchenette, and an accessible route.

The first option, the LULA + Lift version, is estimated to cost $477,000. A significant portion of this cost is for reinforcement of existing wood framing on the second and third floors and transfer of gravity and lateral loads to the historic structure. A memo from the structural engineer is included for reference. Approximately 32% of the estimated cost is for provision of accessible upgrades to the layout and amenities of the third floor.

The other option, the full height passenger elevator version, is estimated to cost $763,000. The estimated cost of the elevator as compared to the LULA had been previously submitted, so this increase from the previous $610,000 accounts for the accessible upgrades required for the third floor, which is roughly 20% of the overall estimate for this option.

Given that the accessibility features of the third floor would be compromised due to the sloping ceiling and roof profile that are integral to the historic building envelope, the Fox Club proposes the following policy as an alternative to making the third floor accessible:

> *If any member with disabilities requests lodging at the building and for whom the third floor is not appropriate for any reason, the Fox Club will arrange for suitable alternative accommodations in Harvard Square and will pay the cost difference between those accommodations and the modest rental cost at the club for so long as that lodging is requested.*

It is the Applicant's belief that full compliance with 521 CMR 8 – Transient Lodging and 521 CMR 28 – Elevators is excessive as compared to the benefit gained by persons with disabilities. The lower cost option at $477,000 would provide a sleeping room in the finished attic space of the building while eliminating the facility manager's office and risking damage to original fresco paintings during structural work. The higher cost option at $763,000 would enlarge the building envelope instead of integrating accessibility provisions into the historic structure as proposed with the LULA. In either case, the club proposes to arrange for better accommodations in Harvard Square to any member with disabilities requesting lodging.

Granting the variance for 521 CMR 8 is requested, along with the variance from 521 CMR 28 for use of the LULA since access to the third floor sleeping rooms would not be required.

The following supporting documents are attached for your consideration:

- First Amended Notice of Action (A.01)
- Estimated Costs for Compliance (A.02)
- Captioned Photos of Existing Conditions (A.03 – A.06)
- Structural Engineer's Memo on Lift Support (A.07 – A.08)
- Drawings of Second & Third Floor with Notes (A.09 – A.12)

  A.09: Proposed Second Floor Plan / Demolition Notes Re: Lift to 3rd Flr
  A.10: Alternate Second Floor Plan / Accessibility Provisions to 3rd Flr

  A.11: Proposed Third Floor Plan / Demolition Notes for Accessibility
  A.12: Alternate Third Floor Plan for Accessibility

Please let me know if you any questions or require any further clarifications.

Sincerely,



Donald W. Mills
Mills Whitaker Architects LLC

cc: Brandon Vigneault / Cambridge Inspectional Services Department
Rachel Tanenhaus / Cambridge Commission for Persons with Disabilities
Taciana Ribeiro-Saab / Boston Center for Independent Living
Brona Simon / Massachusetts Historical Commission
Charles Sullivan / Cambridge Historical Commission
Matt Pierce / Fox Club

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

FIRST AMENDED NOTICE OF ACTION

Docket Number **V 23 124**

RE: Fox Club , 44 JFK Street , Cambridge

On August 1, 2023 the Architectural Access Board received an additional submission from Petitioner The additional documents were reviewed by the Board on August 7, 2023 At that meeting, the Board voted as follows:

#	Section	Result
1	25.1	**GRANTED** as proposed.
2	26.1	**GRANTED** as proposed.
3	27.1	**GRANTED** as proposed on the condition that: that compliant handrails are provided on the stai from the entry to the grand foyer.
4	28.1	**CONTINUED** to request Petitioner provide the Board with: clarification as to compliance with 521 CMR 8, as the exception in 8.1 does not apply as this building is not "actually occupied as a residence by the proprietor of the establishment."

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: August 8, 2023

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnieri WJ
Chairperson
ARCHITECTURAL ACCESS BOARD

Variance Decision for Items 1-3; Pending Decision for Item 4 (Elevators & Transient Lodging)

MODIFY THIRD FLOOR for 521 CMR 8 TRANSIENT LODGING COMPLIANCE	
PROPOSED LULA TO 2ND FLOOR / ADD VERTICAL LIFT TO THIRD FLOOR	
$45,000	2-Stop Vertical Lift with 42" Side Door (@ 2nd) + 36" Gate (@ 3rd)
$135,000	Structural Framing Modifications per Engineer's Memorandum
$87,500	Selective Demolition & Renovation to Finishes, Doors, Frames, Etc.
$27,500	Relocate Electrical Panels, Wiring, Piping @ 2nd + 3rd Floor Chases
$4,500	Provide Cane Detection Rails at 80" AFF Ceilings in Accessible Areas
$102,000	Provide Accessible Group 2B Bathroom and Kitchenette
($48,500)	Credit to Delete Renovation of Existing Third Floor Bathroom
$353,000	Subtotal of Estimated Direct Trade Costs for 28 Compliance
$124,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$477,000	**Estimated Project Cost for Accessible Transient Lodging** (LULA + Lift)
Approx. 68% is for Lift Related Modifications while 32% is for Accessible Lodging	

FULL PASSENGER ELEVATOR TO ALL FLOORS / ACCESSIBLE THIRD FLOOR	
$452,000	Previously Itemized Trade Cost for Passenger Elevator in lieu of LULA
$55,000	Selective Demolition & Renovation to Finishes, Doors, Frames, Etc.
$4,500	Provide Cane Detection Rails at 80" Sloping Ceiling Accessible Areas
$102,000	Provide Accessible Group 2B Bathroom and Kitchenette
($48,500)	Credit to Delete Renovation of Existing Third Floor Bathroom
$565,000	Subtotal of Estimated Direct Trade Costs for 28 Compliance
$198,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$763,000	**Estimated Project Cost for Accessible Transient Lodging** (Elevator)
Approx. 80% is for the Passenger Elevator while 20% is for Accessible Lodging	

Estimated Costs for Compliance Options to 521 CMR 8 TRANSIENT LODGING & 521 CMR 28 ELEVATORS



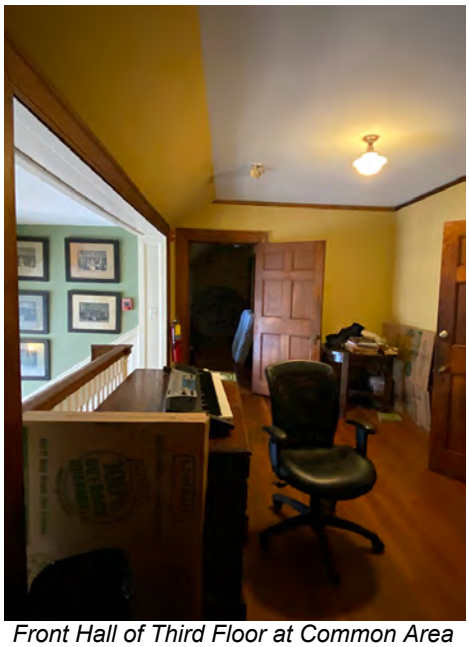
Front Facade at JFK Street; Third Floor Dormers Provide Natural Light to Transient Lodging;
Third Floor is Nestled Below Roof Area of Historic Building Envelope

230810-IMG_1844.JPG



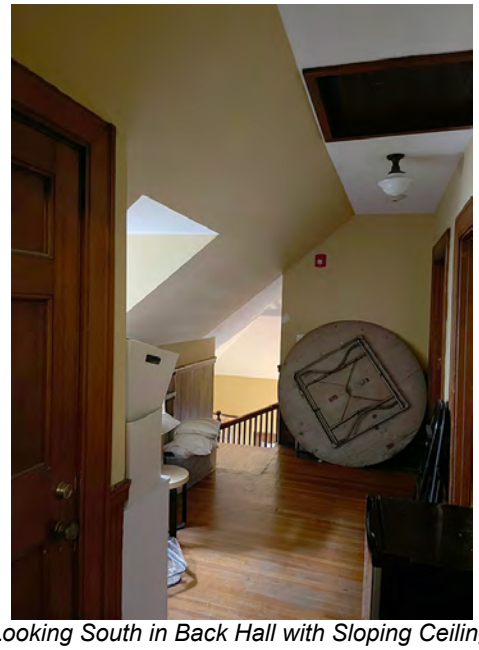
Main Stair at Third Floor Landing Enclosed by Large Dormer in Roof at Rear Facade of Building Envelope

230810-IMG_3067.JPG



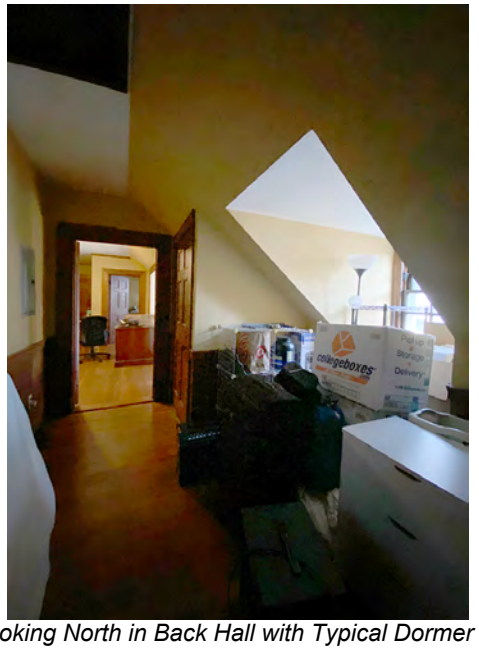
Front Hall of Third Floor at Common Area Adjacent to Main Stairway at Left

230810-IMG_1970.JPG



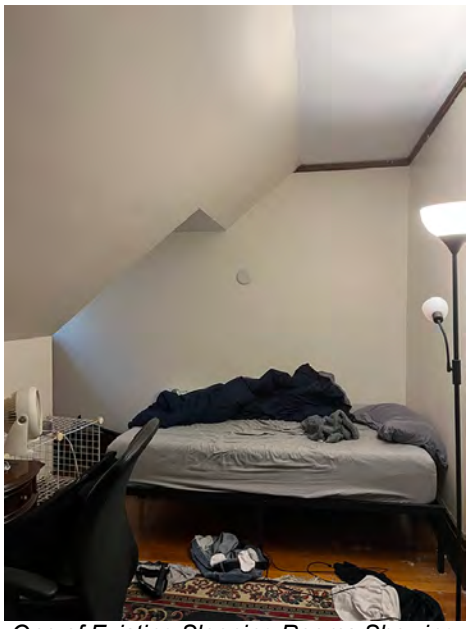
Looking South in Back Hall with Sloping Ceiling Below Roof and Existing Back Stair Beyond; Existing Back Stair to be Removed and Fully Compliant Stair to be Provided in the Addition

230810-IMG_3048.JPG



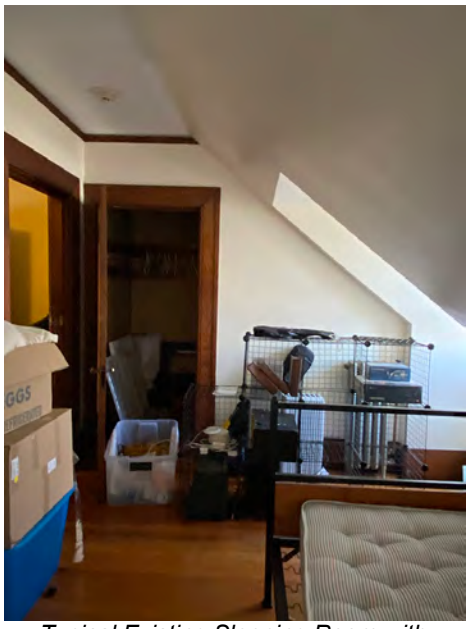
Looking North in Back Hall with Typical Dormer at Right in Rear Slope of Roof Area; Ceiling Profiles Restrict Head Clearances

230810-IMG_1952.JPG



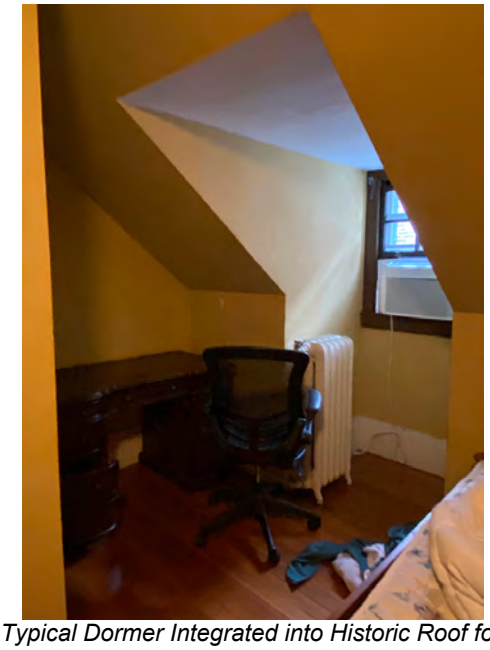
One of Existing Sleeping Rooms Showing Ceiling Profile Sloping Down Toward Eaves; Rooms are Tucked Under Roof Area of Facility

230810-IMG_3054.JPG



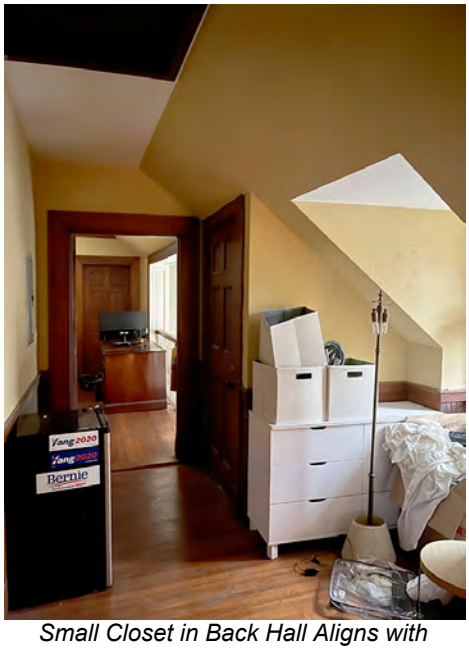
Typical Existing Sleeping Room with Dormer and Narrow Closet

230810-IMG_3056.JPG



Typical Dormer Integrated into Historic Roof for Provision of Natural Light into Sleeping Rooms; Narrow Dormer Ceiling Height is 82" AFF" and Sloping Ceiling Intersects Knee Wall at 48" AFF

230810-IMG_1944.JPG



Small Closet in Back Hall Aligns with Larger Closet at Second Floor and is the Only Feasible Location for Vertical Wheelchair Lift



Largest of the Frescos Painted by Club Member Fernando Zóbel in Bar Area Below Vertical Lift

Structures North
CONSULTING ENGINEERS, INC.

60 Washington St, Suite 401
Salem, Massachusetts 01970-3517
P.O. Box 01971-8560
T 978.745.6817 | F 978.745.6067
www.structures-north.com

9 August 2023

Attn: Don Mills
Mills Whitaker Architects
P.O. Box 750089
Arlington, MA 02475

Reference: The Fox Club
44 John F. Kennedy Street
Cambridge, Massachusetts
Implications of Vertical Lift Installation

Dear Don:

We are currently in the process of designing an addition to The Fox Club, which will provide an accessible entry at the building's south side. This will include a limited use/limited access elevator (LULA) that will access the basement, first, and second floors, as well as a new stair that will access all levels. The project also includes infilling a dumbwaiter and stair that will be abandoned, and mechanical upgrades. Recently we were asked to outline the implications for adding a vertical wheelchair lift to provide access to the third floor. Based on our discussions, there is only one feasible location to place a vertical lift, which is at the center of the building's east wall where the footprint protrudes from the primary wall plane to accommodate the main stair and spaces immediately adjacent. The lift would be located just south of the stair in what is currently office 205 and hall closet 308. Please note the following changes in scope that would need to be made to accommodate a vertical lift.

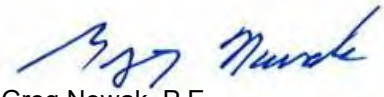
- The third floor framing would need to be removed in the area where the lift will be located, and the framing to remain be headed off and re-supported with new structure.
- The second floor framing would need to be trimmed approximately 3" to accommodate the recess for the lift since the floor spacer does not have sufficient area to house a ramp.
- The aforementioned trimming of the second floor framing will require that the modified joists be reinforced to account for the reduced capacity of the altered framing.
- Currently the wall between the stair and the rooms that would house the lift is laterally braced by the floor framing of these rooms. As the framing will need to be removed at the third floor and trimmed and the second floor to accommodate the opening for the lift, a steel girt (tube or channel) will need to be inserted into the wall to replace the bracing that is currently provided by the floor framing.
- The new walls that would be required to enclose the lift would also need to include posts and associated hardware sufficient to support the lateral loads of the lift where the mast is located. My understanding is that the ideal location for the mast architecturally is along the stair wall, which would require that the girt be suitable to brace the wall and the mast.
- We do not have any information regarding the second floor framing above the bar area as this has not been in our scope to date. With that said, we would need to perform exploratory work to determine if additional framing, such as posts within walls, would be required to support any headers and trimmers in the second and/or third floor framing. It is our

understanding that there is original artwork immediately north of the bar, and therefore any exploratory work would need to be done from the adjacent nook 112 and back entry 114. If posts are required, they would likely need to be supported by new columns and footings in the basement, which would also require the removal of existing finishes at the basement level. Structural interventions at the first floor would have to be carefully inserted from nook 112 and/or back entry 114, or be threaded in from holes in the second floor.

We anticipate the changes outlined above will increase the cost of the project by a minimum of $135k. Please note that the scope desribed` aboe` and its estimated cost is for the structural impact *only.* There are several other items that will affect the overall cost of this project, including but not limited to mechanical and electrical impacts, finishes (both new and existing that will need to be modified), and the cost of the vertical wheelchair lift itself.

We trust this information will help in determining the next steps. Please contact us if you need any additional information.

Respectfully Yours,
Structures North Consulting Engineers, Inc.



Greg Nowak, P.E.
Principal

ADDITION

LIBRARY

HCAP W.C.

MAIN STAIR

OFFICE (SUPPORT)

DELETE OFFICE FOR VERTICAL WHEELCHAIR LIFT & PROVIDE CLOSET

REMOVE ELECTRICAL PANEL

REMOVE DOOR & FRAME

REMOVE WALL

SERVICE (SUPPORT)

D

W

DUMB WAITER

PANTRY (SUPPORT)

LULA

SEE VR #4

ACCU

REMOVE FLOORING & TRIM UPPER 3" OF JOISTS FOR LIFT; SEE STRUCTURAL MEMO

REMOVE SHELVES

REMOVE WALL

SALVAGE 36" DOOR & FRAME FOR RE-USE

REMOVE UTILITY CHASES & ASSOCIATED PIPING & CONDUITS

36"' DOOR W/ AUTO. OPER.

BACK STAIR

UP

DN

ROOF

GREAT HALL

BILLIARDS

OPEN TO BELOW

GARDEN WALL BELOW

EXISTING BUILDING @ 48 JFK

PROPOSED SECOND FLOOR PLAN / DEMOLITION NOTES RE: LIFT TO 3RD FLR

0' 4' 8' 16'

A.09

N

AAB 89

ADDITION

LIBRARY

HCAP W.C.

MAIN STAIR

UP

DN

CLOSET (SUPPORT)

HVAC

MAST

LIFT 40" x 54"

42" DOOR

SERVICE (SUPPORT)

D

W

DUMB WAITER

PANTRY (SUPPORT)

LULA SEE VR #4

ACCU

PROVIDE 2-STOP VERT. LIFT TO 3RD FLOOR; REINF. STRUCTURE & PROTECT ARTWORK IN HISTORIC BAR BELOW

RELOCATE SALVAGED 36" DOOR & FRAME; RE-WORK WAINSCOTING & TRIM

36"' DOOR W/ AUTO. OPER.

BACK STAIR

ROOF

BILLIARDS

GREAT HALL

OPEN TO BELOW

GARDEN WALL BELOW

EXISTING BUILDING @ 48 JFK

ALTERNATE SECOND FLOOR PLAN / ACCESSIBILITY PROVISIONS TO 3RD FLR

0' 4' 8' 16'

A.10

N

AAB 90

ADDITION

ROOF

MAIN STAIR

9 10 11

8 7 6 5 4 3 2 1

12 13 14 15 16 17 18 19

DN

BATH

DELETE CLOSET USE FOR PROVISION OF VERTICAL LIFT

REMOVE SHELVES

CLO.

REMOVE FLOOR & FRAMING TO PROVIDE REINF. OPENING FOR VERT. WHEELCHAIR LIFT

ROOF

EX. WALL @ 48" AFF

HVAC DECK

UP

REMOVE & EXPAND BATHROOM FOR GROUP 2B VERSION

REMOVE CHASE

BACK HALL

EXIST. CEILING SLOPES DOWN FROM 102" AFF

20 19

DN

REMOVE DOOR, FRAME & WALL

SALVAGE 36" DOOR & FRAME FOR RELOCATION

FLUES

FRONT HALL

REMOVE DOOR & FRAME

REMOVE WALL

REMOVE ELECT. PANEL & PORTION OF WALL

THIS ROOM NO LONGER A SLEEPING ROOM DUE TO DORMER REMOVAL FOR PROVISION OF ADDITION

18 17 16 15 14 13 12 11 10 9

1 2 3 4 5 6 7 8

FLUES

82" AFF

102" AFF

26" AFF

ROOM 4

ROOM 3

ROOM 2

ROOM 1

102" AFF

EXIST. CEILING SLOPES DOWN FROM 102" AFF

REMOVE WALL

REMOVE DOOR & FRAME

82" AFF

48" AFF

EX. WALL @ 48" AFF

EXIST. DORMER @ 82" AFF

BACK STAIR

ROOF

ROOF

EXISTING BUILDING @ 48 JFK

THIRD FLOOR USED FOR TRANSIENT LODGING

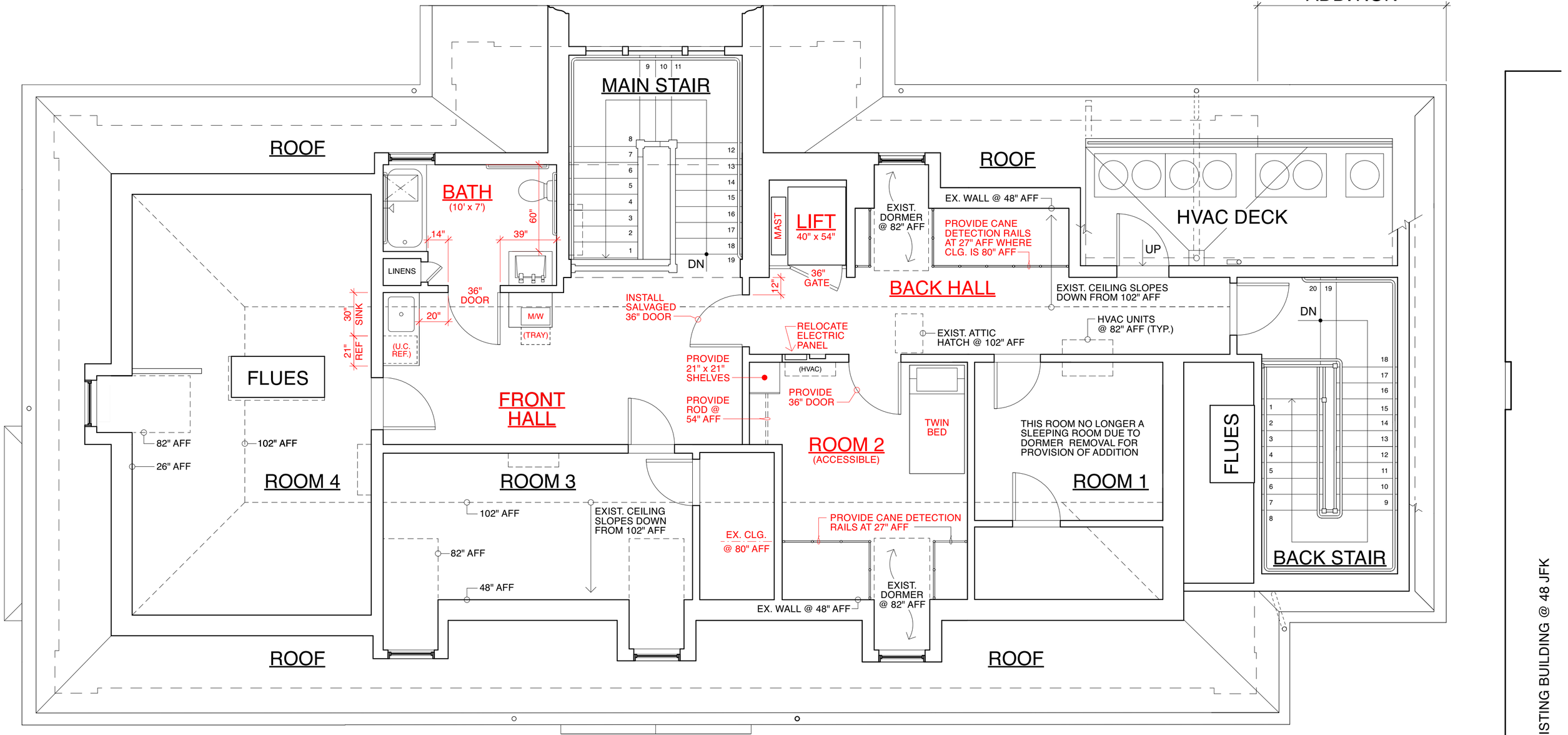
PROPOSED THIRD FLOOR PLAN / DEMOLITION NOTES FOR ACCESSIBILITY

0' 4' 8' 16'

A.11

N

AAB 91



THIRD FLOOR USED FOR TRANSIENT LODGING

ALTERNATE THIRD FLOOR PLAN FOR ACCESSIBILITY

0' 4' 8' 16'

A.12

N

AAB 92

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT

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

1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF OCCUPATIONAL LICENSURE

FIRST AMENDED NOTICE OF ACTION

Docket Number V **23 124**

RE: Fox Club , 44 JFK Street , Cambridge

On August 1, 2023 the Architectural Access Board received an additional submission from Petitioner The additional documents were reviewed by the Board on August 7, 2023 At that meeting, the Board voted as follows:

#	Section	Result
1	25.1	**GRANTED** as proposed.
2	26.1	**GRANTED** as proposed.
3	27.1	**GRANTED** as proposed on the condition that: that compliant handrails are provided on the stai from the entry to the grand foyer.
4	28.1	**CONTINUED** to request Petitioner provide the Board with: clarification as to compliance with 521 CMR 8, as the exception in 8.1 does not apply as this building is not "actually occupied as a residence by the proprietor of the establishment."

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: August 8, 2023

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnaccio WJ

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 93

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT

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

1000 Washington St., Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY OF CONSUMER AFFAIRS AND BUSINESS REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF OCCUPATIONAL LICENSURE

NOTICE OF ACTION

Docket Number **V 23 124**

RE: Fox Club , 44 JFK Street , Cambridge

On June 9, 2023 the Architectural Access Board received an application submitted by Donald W. Mills, RA .
This application and all attached documentation were reviewed by the Board on July 24, 2023 .
At that meeting, the Board voted as follows:

#	Section	Result
1	25.1	**CONTINUED** to request Petitioner provide the Board with: test drawings showing that the proposed accessible entrance complies with 521 CMR 20.7 & 26.7.
2	26.1	**CONTINUED** to request Petitioner provide the Board with: clarification as to which portions of the building are limited to the use of employees only
3	27.1	**CONTINUED** to request Petitioner provide the Board with: additional information regarding Request 1 & 2
4	28.1	**CONTINUED** to request Petitioner provide the Board with: additional information regarding Request 1 & 2

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: August 2, 2023

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnieri WJ
Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 94

Souders, Bradley (DPL)

From: Don Mills <donmills@millswhitaker.com>
Sent: Tuesday, August 1, 2023 8:17 AM
To: Joyce, William (DPL)
Cc: Souders, Bradley (DPL); matt pierce; bvigneault@cambridgema.gov; tribeiro-saab@bostoncil.org; rtanenhaus@cambridgema.gov
Subject: Fox Club Continuance V23-124 / 44 JFK St Cambridge
Attachments: Fox Club MAAB Continuance V23-124.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Joyce,

Attached please find information for continuance of the Board's review of V23-124 for the Fox Club at 44 JFK Street in Cambridge MA. Please confirm receipt and let me know if you have any questions.

We look forward to your continuing review on August 7th.

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

MILLS WHITAKER ARCHITECTS
ARLINGTON MA www.millswhitaker.com BRIDGTON ME

1 August 2023

William Joyce, Executive Director
Massachusetts Architectural Access Board
1000 Washington Street, Suite 710
Boston MA 02118

RE: V23-124 Continuance
Fox Club / 44 JFK Street / Cambridge

Dear Mr. Joyce,

Enclosed please find updated variance application information in response to comments during the Board's review on July 24th. The initial application included variance requests in four categories and that is unchanged. What has changed is the rationale for portions of the requests that had been partially based on the historically private nature of this facility. We have modified the requests since the building is a public facility for the purposes of building code and accessibility regulation interpretations per 780 CMR and 521 CMR.

The enclosed information replaces portions of the initial application as follows:

- Item 16: Updated Variance Requests from Application (2 pages)
- Section A: Modified Summary with Photos and Drawings (xx pages)
- Section B: Modified Request #1 for 25 Entrances
- Section C: Modified Request #2 for 26 Doorways
- Section D: Modified Request #3 for 27 Stairways
- Section E: Modified Request #4 for 28 Elevators
- Section F: Support Letters: MHC, CHC, CCPD

Please let me know if you any questions or require any further clarifications.

Sincerely,



Donald W. Mills
Mills Whitaker Architects LLC

cc: Brandon Vigneault / Cambridge Inspectional Services Department
Rachel Tanenhaus / Cambridge Commission for Persons with Disabilities
Taciana Ribeiro-Saab / Boston Center for Independent Living
Brona Simon / Massachusetts Historical Commission
Charles Sullivan / Cambridge Historical Commission
Matt Pierce / Fox Club

P.O. Box 750089
Arlington MA 02475
617.876.7611 voice
617.876.6420 fax

DATE: 8 June 2023 (Original Application)
1 Aug 2023 (Continuance Information)

FACILITY: **FOX CLUB / V23-124**
44 JFK Street / Cambridge MA 02138

SUBJECT: 521 CMR Variance Application / Modified

ENCLOSED: ADJUSTMENTS TO VARIANCE APPLICATION FOR CONTINUANCE

The MAAB Variance Application and MHC ADA Consultation Process Form outlined the basis of the proposed renovation and addition at the historic 1902 Fox Club in the Harvard Square National Register Historic District. This submission provides information in response to initial comments from the Board during their Administrative Discussion on July 24, 2023. Enclosed please find the following modified portions of the Variance Application:

ITEM 16: **MODIFIED VARIANCE REQUESTS #1 – #4**

SECTION A: **PROJECT DESCRIPTION**
Modified Narrative Summary, Photographs & Drawings

SECTION B: **521 CMR 25: ENTRANCES**
Modified Variance Request #1

SECTION C: **521 CMR 26: DOORWAYS**
Modified Variance Request #2

SECTION D: **521 CMR 27: STAIRS**
Modified Variance Request #3

SECTION E: **521 CMR 28: ELEVATORS**
Modified Variance Request #4

SECTION F: **SUPPORT LETTERS**
Cambridge Historical Commission
Cambridge Commission for Persons with Disabilities
Massachusetts Historical Commission

The intent of this project is to upgrade infrastructure and provide accessibility improvements that will enable this historically private social club to better serve its members and effectively host occasional public events so that the significant nature of this facility can be showcased.
.

P.O. Box 750089
Arlington MA 02475
617.876.7611 voice
617.876.6420 fax

16.

Request #1

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☑ Test Drawings,
☐ Other(s):

Section(s) for which you are seeking relief: 25 Entrances

Are you seeking temporary relief ○ Yes ◉ No

If yes, when do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

The original front entry @ JFK Street is the primary entrance but is not accessible. Two other doors (basement areaway @ Mt. Auburn; back door @ courtyard) are also not accessible. The project proposes an addition that will provide an accessible entry at the front from JFK Street and at the back from the enclosed courtyard.

25.1 relief is requested by providing two accessible entrances and preserving one primary and two secondary historic entrances. Signage at historic non-accessible entrances will direct occupants to the accessible entrances. It is the applicant's belief that full compliance is impracticable because it disrupts historic fabric and the cost of **$805,000** is excessive without substantial benefit to persons with disabilities.

Request #2

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☐ Test Drawings,
☐ Other(s):

Section(s) for which you are seeking relief: 26 Doorways

Are you seeking temporary relief ○ Yes ◉ No

If yes, when do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Several doorways cannot meet maneuvering clearance requirements without loss of historic fabric, and adding automatic operators does not provide substantial benefit due to the locations and typical usage of the doors. Three doors are entrances for which relief is sought in request #1 and seven doors are typically left open at all times. In other locations, interior doors are being modified for full compliance unless the areas served are support spaces used by staff or authorized personnel only.

26.6 relief is requested for ten existing doors as described in the attached. It is the applicant's belief that full compliance is impracticable because it disrupts historic fabric and the cost of **$200,000** is excessive without substantial benefit to persons with disabilities.

Request #3

Section(s) for which you are seeking relief: 27 Stairs

Are you seeking temporary relief ◯ Yes ◉ No

If yes, when do you propose to be in compliance by: _____?

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☐ Test Drawings,
☐ Other(s): _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Existing original stairs do not comply with accessibility regulations: front entrance (interior & exterior), grand stairway, basement areaway, and exterior stairs at back door. Improvements are proposed and a fully compliant stairway will be provided in the accessible addition. Relief is requested as follows:
27.3 retain original nosings at exterior stone stairs and interior grand stairs.
27.4.1 retain guardrail and provide wall-mounted handrails in grand stairway; retain front entrance (interior & exterior) as-is to retain significant historic character.
It is the applicant's belief that full compliance is impracticable because it disrupts historic fabric, a fully compliant stair is being provided in the addition, and the cost of **$410,000** is excessive without substantial benefit to persons with disabilities.

Request #4

Section(s) for which you are seeking relief: 28 Elevators

Are you seeking temporary relief ◯ Yes ◉ No

If yes, when do you propose to be in compliance by: _____?

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☑ Test Drawings,
☐ Other(s): _____

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

In lieu of a full size passenger elevator, a Limited Use Limited Application elevator is proposed to serve the basement, first, and second floors. The third floor consists of fewer than five transient sleeping rooms and does not require access. Provision of a LULA requires the following relief:

28.1 for a LULA for access to the basement, first, and second floor levels.
28.12.3.a for a 51" x 51" cab with side door at entry level and front doors at landings.
It is the applicant's belief that full compliance is impracticable because a full elevator would alter the building significantly and the cost of **$610,000** is excessive without substantial benefit to persons with disabilities.

FOX CLUB / V23-124
44 JFK Street / Cambridge MA 02138

SECTION A: PROJECT DESCRIPTION

Renovations and an addition are proposed for the historic Fox Club at 44 JFK. The Fox Club was founded as a private club in 1898 and its facility was built in 1902. The building was designed by architect Guy Lowell who is known for the Boston Museum of Fine Arts and other prominent buildings in the region. Due to its legacy with the architect's work and history of its members, the club intends to host periodic events that invite a broader audience into the facility. The project scope proposes to meet accessibility requirements while preserving the building's historic character and features.

Renovation of this building will preserve and upgrade the facility for accessibility, energy efficiency, enhanced functionality, and improved life safety. The primary entrance from JFK Street cannot be adapted into an accessible entrance without major disruption of the historic character of the building, so an addition is proposed on the south side near the main entrance. The configuration and location of the addition will provide an accessible entrance, an elevator, and replace the back stair to allow safe access and egress for persons of all abilities. Respect for original design elements will be echoed in the addition to compliment the historic building while minimizing its massing in relation to the existing structure.

Other relevant improvements that will be incorporated into the renovation include:

- Provision of an accessible route and entrance to the outdoor courtyard.
- Construction of accessible toilet rooms at each of the accessible floor levels.
- Reshaping original interior door thresholds for floor level compliance.
- Replacement of doorknobs with period-appropriate lever handles.
- Install automatic sprinklers and upgrade fire alarm system to meet current codes.
- Provision of signage to support access and way finding for all persons.
- Other provisions for accessibility compliance that do not require variances.

Enclosed are a selection of captioned photographs, existing/proposed floor plans, site plan, and existing/proposed exterior elevations. More details and descriptions of selected areas are given in the subsequent sections addressing each variance request. In the proposed floor plans and elevations, symbols indicate specific locations of variance requests as follows:

VR #1 – Variance Request #1 / 521 CMR 25 Entrances (Cost = $805,000)
VR #2 – Variance Request #2 / 521 CMR 26 Doorways (Cost = $200,000)
VR #3 – Variance Request #3 / 521 CMR 27 Stairs (Cost = $410,000)
VR #4 – Variance Request #4 / 521 CMR 28 Elevators (Cost = $610,000)

It is the applicant's belief that the cost of $2,025,000 for full compliance is excessive without substantial benefit to persons with disabilities and would greatly impact historic features.

The Fox Club is a contributing structure in the Harvard Square National Historic District and the Harvard Square Conservation District. The Massachusetts Historical Commission has issued a letter fully supporting the variance requests. The project has been reviewed and unanimously approved by the Cambridge Historical Commission. Also, staff of the Cambridge Commission for Persons with Disabilities have reviewed and fully support the project.



Central Public Entrance to the Fox Club on
Primary Facade at JFK Street on West Elevation

220216-IMG_0819.JPG



Three Steps Up to Front Entrance and Limited Depth Between Sidewalk and Facade

230425-IMG_0718.JPG



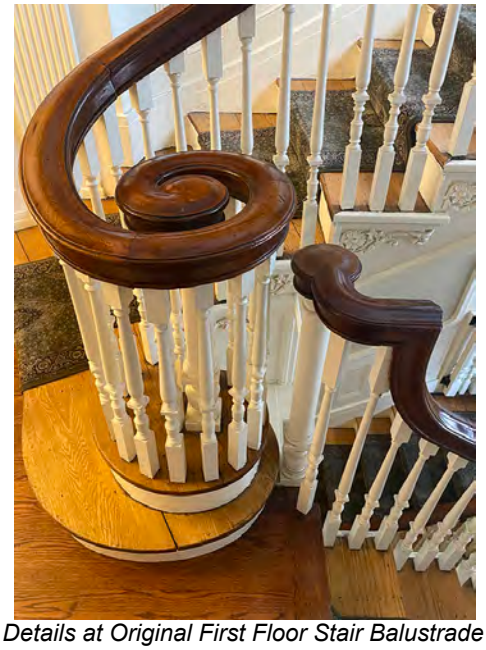
Five Steps Up from Entrance to Central Foyer in First Floor Interior of the Fox Club

220718-IMG_1840.JPG



Original Central Stair Balustrade Looking Toward Central Foyer and Public Entrance

220718-IMG_1841.JPG



Details at Original First Floor Stair Balustrade

230316-IMG_0374.JPG



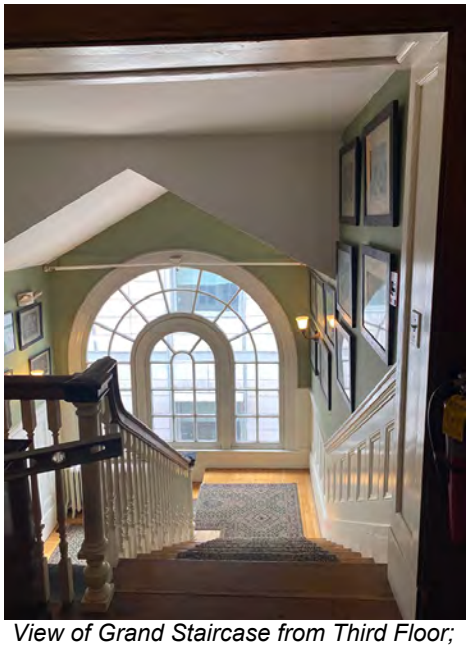
Grand Stairway at Second Floor Looking East; Continuous Wall Mounted Handrails Proposed at the Perimeter Wood Wainscoting

230316-IMG_0373.JPG



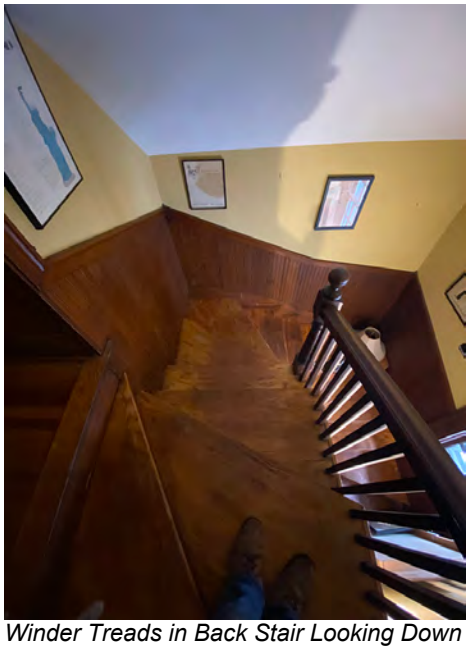
Detail of Stair Risers, Carved Stringers, Newel Posts, Drop Finials, and Balusters

220718-IMG_1844.JPG



View of Grand Staircase from Third Floor; Upper Level for Transient Lodging

230316-IMG_0372.JPG



Winder Treads in Back Stair Looking Down from Third Floor; Stair to be Removed and New Code-Compliant Stair to be Provided in Addition



Interstitial Sideyard Space for Proposed Addition at Primary Facade
Between the Fox Club and Adjacent 48 JFK Apartment Building

220216-IMG_0828.JPG



Garden Wall at JFK Street with Wooden Gate and Low Metal Fence; South Facade Beyond and Proposed Location of the Addition

221202-IMG_3080.JPG



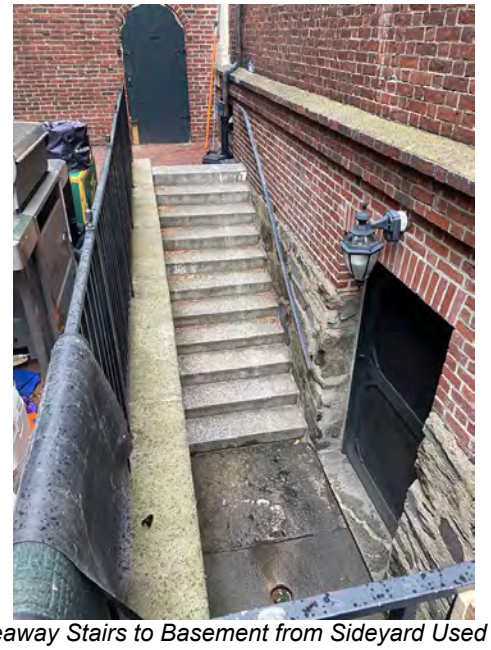
Swinging Gate in Fence at Property Line; Existing Wooden Gate in Garden Wall

220718-IMG_1856.JPG



Sideyard Looking Toward Garden Wall & JFK Street; Location of Proposed Addition for Accessible Entrance, Stairs, and Elevator

230316-IMG_0371.JPG



Areaway Stairs to Basement from Sideyard Used as Service Entrance & Egress; Gate at Garden Wall Beyond



The Fox Club Renovations • 44 JFK Street, Harvard Square

AAB 106

4 STORY
"ARCHITECTURAL FINISH" BUILDING
(OVERHANGS ARE NOT SHOWN)

S29°55'03"W
LS 26.05' (C)
26' (R)
S57°17'49"E
15.15'
6' WOOD
R=33.47
S30°15'56"W
65.77'
R=33.35
SUMP=29.5
DRY WELL
INVERTS
NOT VISIBLE
DRYWELL
R=32.86
SUMP=25.9
N.P.V
#2
AREA
5,317± S.F.(R)
5,314± S.F.(C)
S62°25'18"E
53.78'
CONC.
ACCENTS
BRICK
PATIO
BRICK WALL W/
METAL FENCE
12.4'
WOOD
DOOR
BRICK
PATIO
BRICK STEPS
GRAN. CAP
HVAC
WOOD THRESHOLD
37.24
WOOD
CORNICE
DS
WOOD
CORNICE
EAVE/OVERHANG(TYP.)
WINDOW
WELL
GRAN. EDGE
PERIMETER
BELT
COURSE
(TYP.)
WINDOW
WELL
(TYP.)
OVERHEAD
LIGHTS/CAMERA
BRICK
PATIO
COR. BRICK
BUILDING
0.1' BACK
TARTARIAN LLC
DEED BOOK 59506 PAGE 498
ELEV.
LOW
ROOF
Right Side of the Addition:
Basement + First Floor with
Low Roof over Addition;
Provides Accessible Entrance
& Route from JFK Street
GRAN. CAPPED WALL
R=26.53
GRANITE THRESHOLD
26.91
GRAN.
STEPS
26.81
DS
BAY WINDOW
PERIMETER BELT
COURSE (TYP.)
2 1/2 STORY
BRICK & WOOD
BUILDING
"THE FOX CLUB IN
HARVARD SQUARE"
#46
Left Side of the Addition:
Basement to Third Floor for
Small LULA Elevator and
New Stair to Replace Existing
STAIR
R=26.6
INVERTS
NOT VISIBLE
GRANITE THRESHOLD
GRAN.
STEPS
26.85
4 STORY
BRICK BUILDING
#46
R=32.41
INVERTS
NOT VISIBLE
COR. BRICK
BUILDING
0.1' BACK
LANDING
33.1
PERIMETER
BELT
COURSE
(TYP.)
VENT ON
BLDG. FACE
VENT
WINDOW
WELL
COR.
WOOD
CORNICE
WOOD
DOOR 33.3
BRICK WALL W/
METAL FENCE
13.5'
CONC.
PAD
4.9'
LS
3' METAL
GRAN. STEPS
EAVE/OVERHANG(TYP.)
GRANITE THRESHOLD
34.77
HC
DS
WINDOW
WELL
(TYP.)
CONC.
PAD
PEDESTRIAN
SIGNAL
SIG.
TACTILE
MAT
UTILITY
VAULT
HATCHES
EXISTING
ENTRANCE
ACCESSIBLE
ENTRANCE
BRICK SIDEWALK
ELECTRIC
HH
#1
87.9'
N31°28'29"E
MT. AUBURN STREET
(PUBLIC-50' WIDTH)
BRICK SIDEWALK
VGC
MBTA ELECTRIC
12"S
SMH(R)
SMH
R=33.49
INV.=23.9
R=33.77
JFK STREET
(FORMERLY BOYLSTON STREET)
(PUBLIC-60' WIDTH)
24"W
8"W
70.90' N58°05'31"W

AAB 107

(DRIVEWAY ABOVE)

(WALL ABOVE)

(COURTYARD ABOVE)

(BACK DOOR ABOVE)

(MOUNT VERNON STREET SIDEWALK ABOVE)

MOUNT AUBURN AREAWAY STAIRS

ELECT.

LOUNGE

W.C.

HALL

MAIN STAIR

CLO.

WC

DEN

BACK STAIR

SIDEYARD AREAWAY STAIRS

(BAY ABOVE)

GUEST ROOM

BOILERS

STO.

STO.

KITCHEN

(GARDEN WALL ABOVE)

EXISTING BUILDING @ 48 JFK

(MAIN ENTRY ABOVE)

(JFK STREET SIDEWALK ABOVE)

EXISTING BASEMENT PLAN

0' 4' 8' 16'

N

AAB 108

(DRIVEWAY ABOVE)

(WALL ABOVE)

(COURTYARD ABOVE)

(BACK DOOR ABOVE)

ADDITION

(MOUNT VERNON STREET SIDEWALK ABOVE)

MOUNT AUBURN AREAWAY STAIRS

SEE VR #3

UP

SEE VR #1

UP

SEE VR #2

ELECT
(SUPPORT)

LOUNGE

CLO
(SUPPORT)

MAIN STAIR

SEE VR #3

SEE VR #2

SEE VR #2

UP

CLO.

WC

34" AFF

PROVIDE SIGNAGE TO ACCESSIBLE RESTROOM

DEN

PANTRY
(SUPPORT)

LULA

SEE VR #4

ELEV MACH
(SUPPORT)

46"' DOOR W/ AUTO. OPER.

BACK STAIR

UP

45" AFF

BAR
(SUPPORT)

UP

STORAGE
(SUPPORT)

(BAY ABOVE)

GUEST ROOM

PASSAGE

FULLY COMPLIANT RESTROOM

H-CAP
66" x 102"

W.C.

KITCHEN
(SUPPORT)

FACILITIES
(SUPPORT)

(GARDEN WALL ABOVE)

EXISTING BUILDING @ 48 JFK

(MAIN ENTRY ABOVE)

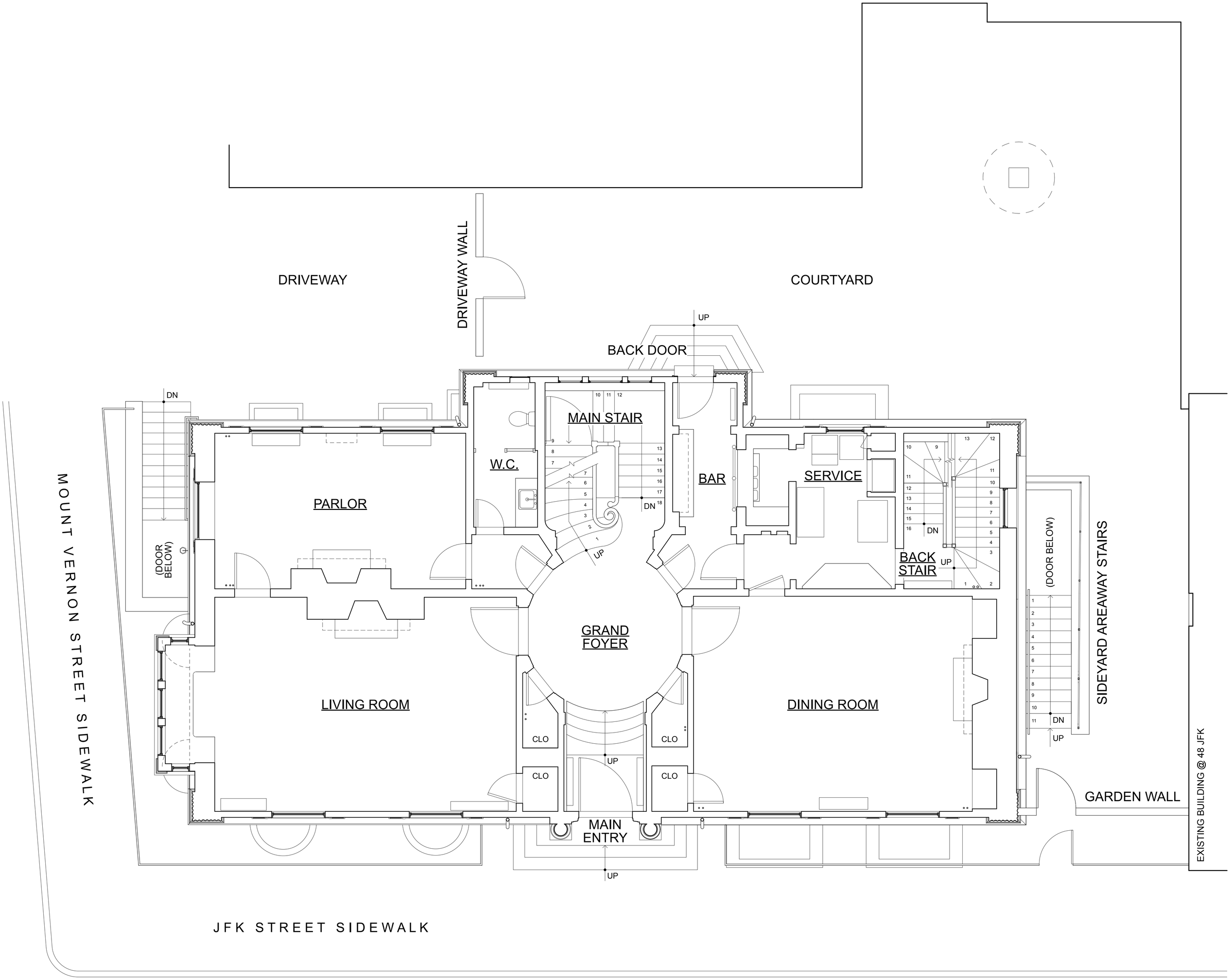
(JFK STREET SIDEWALK ABOVE)

PROPOSED BASEMENT PLAN

0' 4' 8' 16'

N

AAB 109

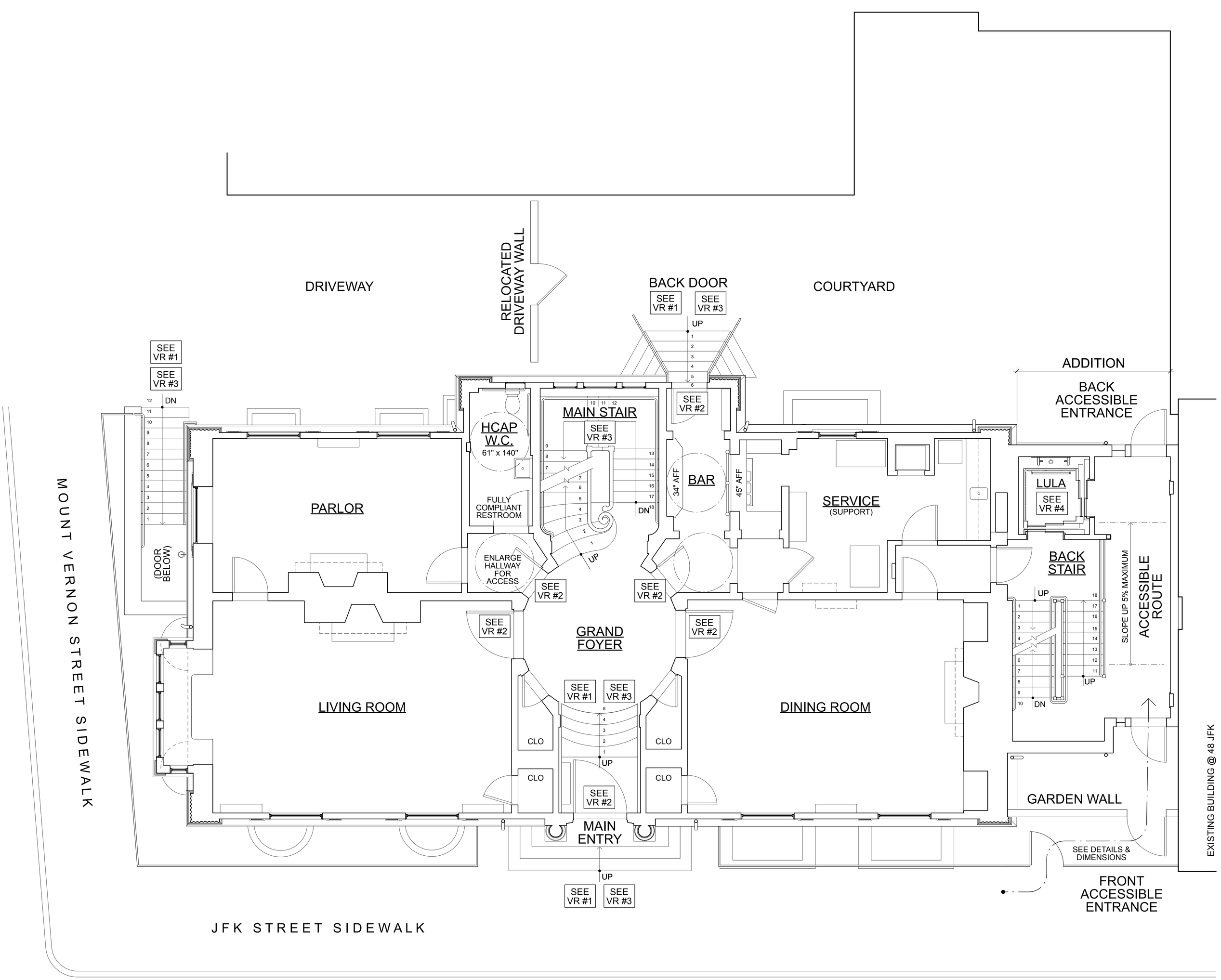


EXISTING FIRST FLOOR PLAN

0' 4' 8' 16'

N

AAB 110



PROPOSED FIRST FLOOR PLAN

0' 4' 8' 16'

N

AAB 111

(DRIVEWAY BELOW)

(WALL BELOW)

(COURTYARD BELOW)

LIBRARY

W.C.

MAIN STAIR

UP

DN

CLO.

OFFICE

BACK STAIR

DN

UP

BILLIARDS

GREAT HALL

GARDEN WALL BELOW

EXISTING BUILDING @ 48 JFK

EXISTING SECOND FLOOR PLAN

0' 4' 8' 16'

N

AAB 112

(DRIVEWAY BELOW)

(RELOCATED WALL BELOW)

(COURTYARD BELOW)

ADDITION

LIBRARY

HCAP W.C.
64" x 140"

FULLY COMPLIANT RESTROOM

SEE VR #2

ENLARGE HALLWAY FOR ACCESS

MAIN STAIR

SEE VR #3

UP

DN

OFFICE
(SUPPORT)

SERVICE
(SUPPORT)

D

W

PANTRY
(SUPPORT)

LULA

SEE VR #4

ACCU

36"" DOOR W/ AUTO. OPER.

BACK STAIR

DN

UP

ROOF

BILLIARDS

GREAT HALL

OPEN TO BELOW

GARDEN WALL BELOW

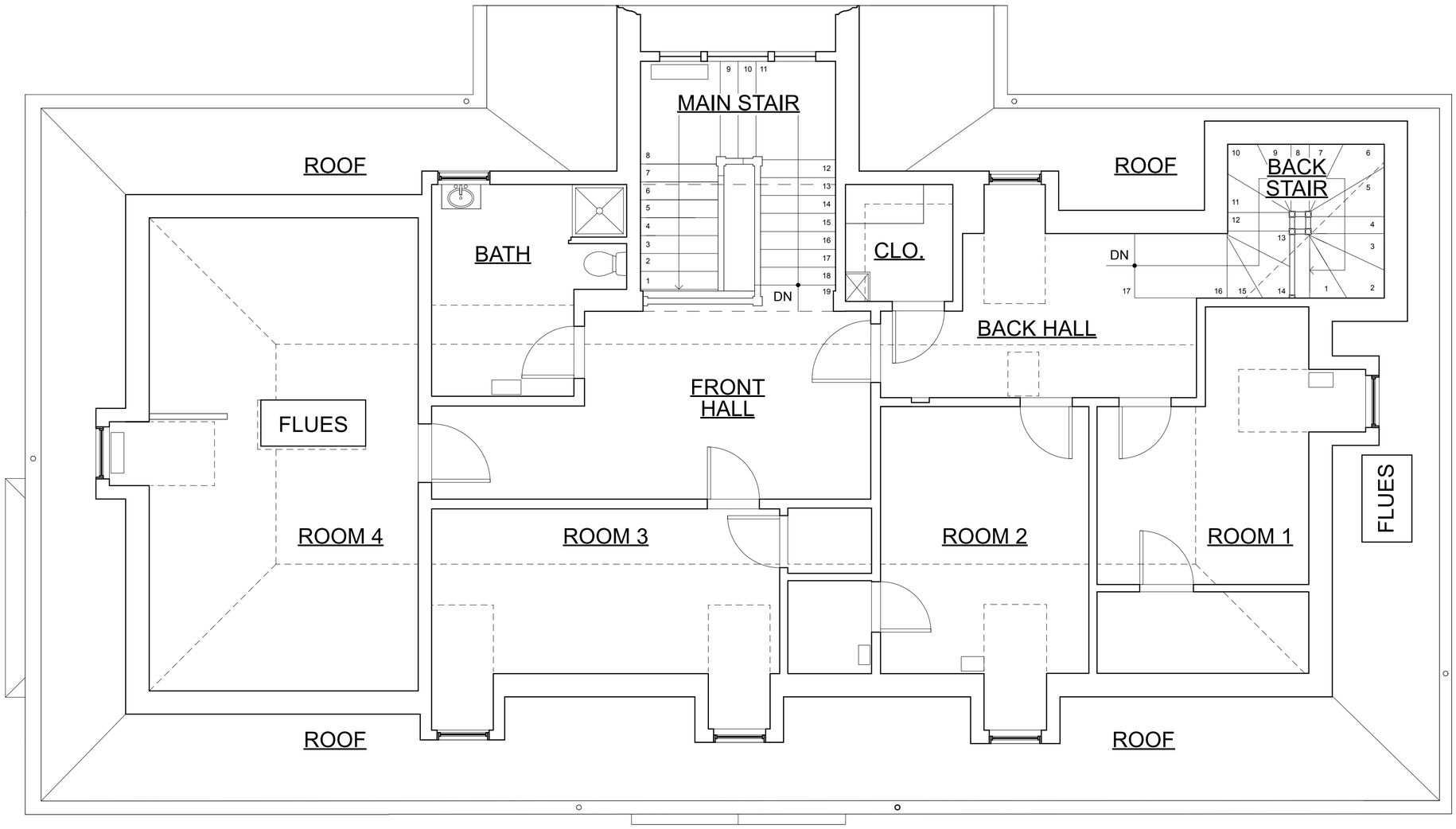
EXISTING BUILDING @ 48 JFK

PROPOSED SECOND FLOOR PLAN

0' 4' 8' 16'

N

AAB 113



THIRD FLOOR USED FOR TRANSIENT LODGING

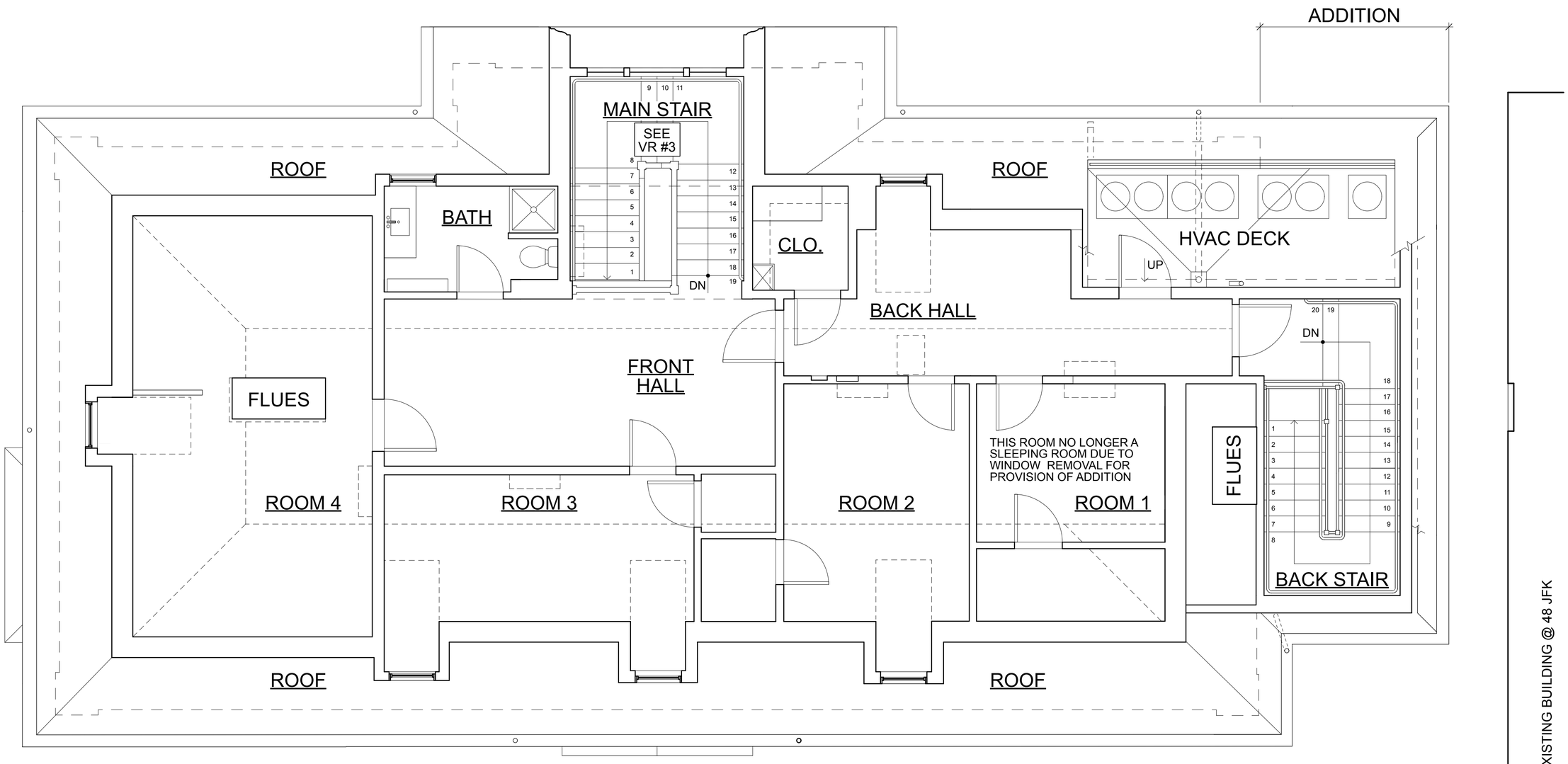
EXISTING BUILDING @ 48 JFK

EXISTING THIRD FLOOR PLAN

0' 4' 8' 16'

N

AAB 114



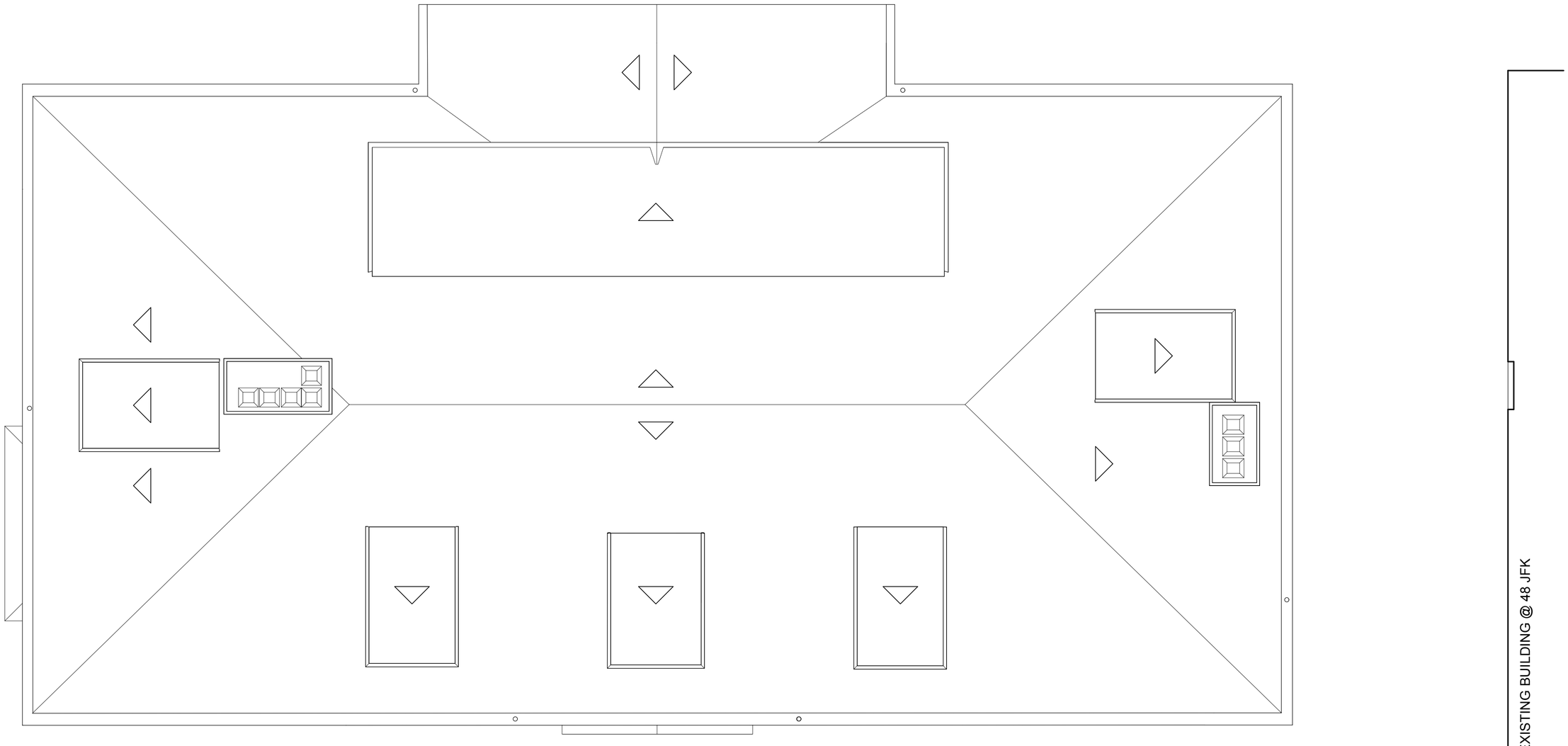
THIRD FLOOR USED FOR TRANSIENT LODGING

PROPOSED THIRD FLOOR PLAN

0' 4' 8' 16'

N

AAB 115

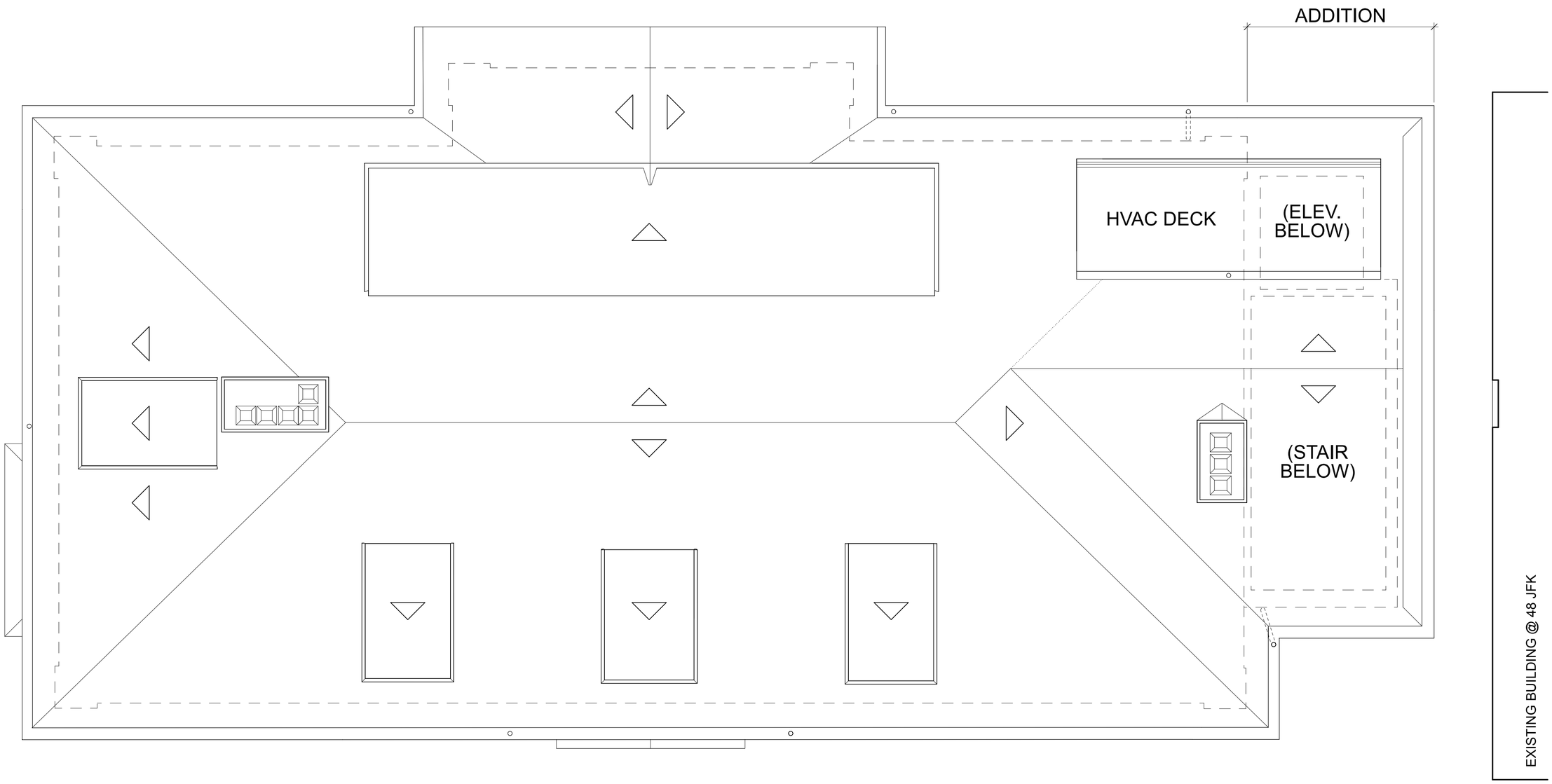


EXISTING ROOF PLAN

0' 4' 8' 16'

N

AAB 116



PROPOSED ROOF PLAN

0' 4' 8' 16'

N

AAB 117



EXISTING BUILDING @ 48 JFK

3

2

1

B

EXISTING WEST EXTERIOR ELEVATION (JFK FACADE)

0' 4' 8' 16'

AAB 118



PROPOSED WEST EXTERIOR ELEVATION (JFK FACADE)

0' 4' 8' 16'

AAB 119

EXISTING BUILDING @ 48 JFK



EXISTING EAST EXTERIOR ELEVATION (COURTYARD FACADE)

0' 4' 8' 16'

AAB 120

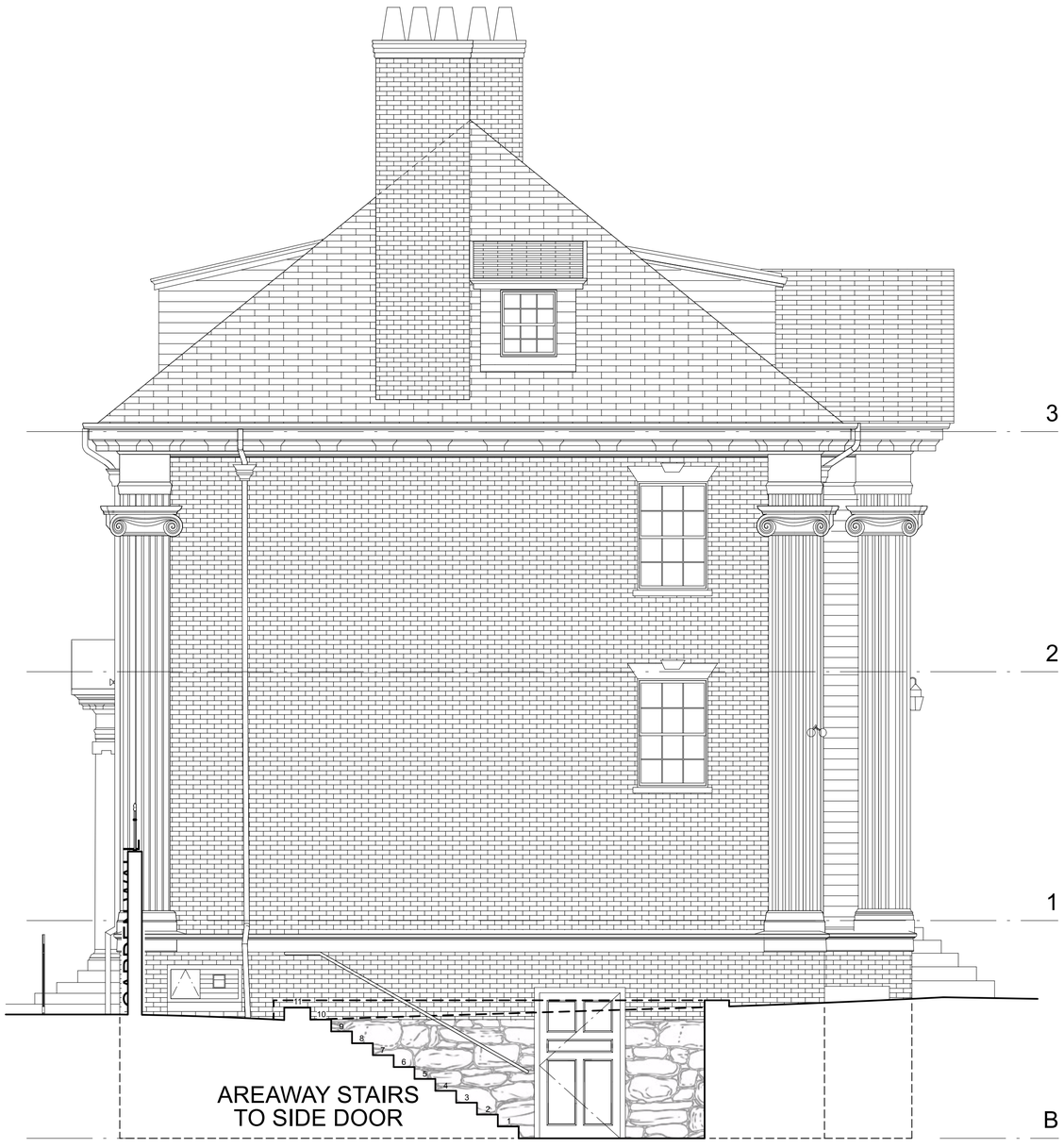
EXISTING BUILDING @ 48 JFK



PROPOSED EAST EXTERIOR ELEVATION (COURTYARD FACADE)

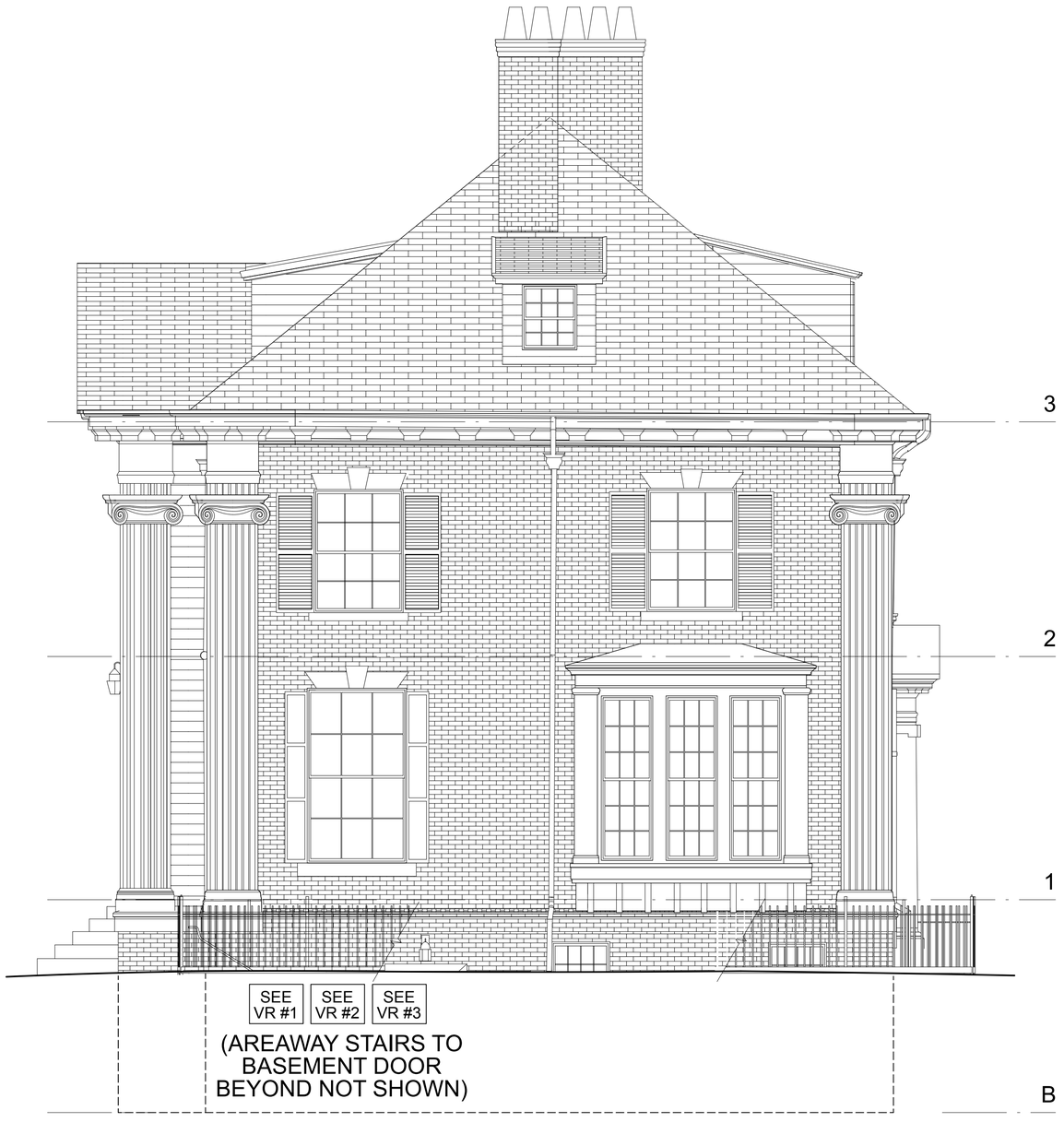
0' 4' 8' 16'

AAB 121



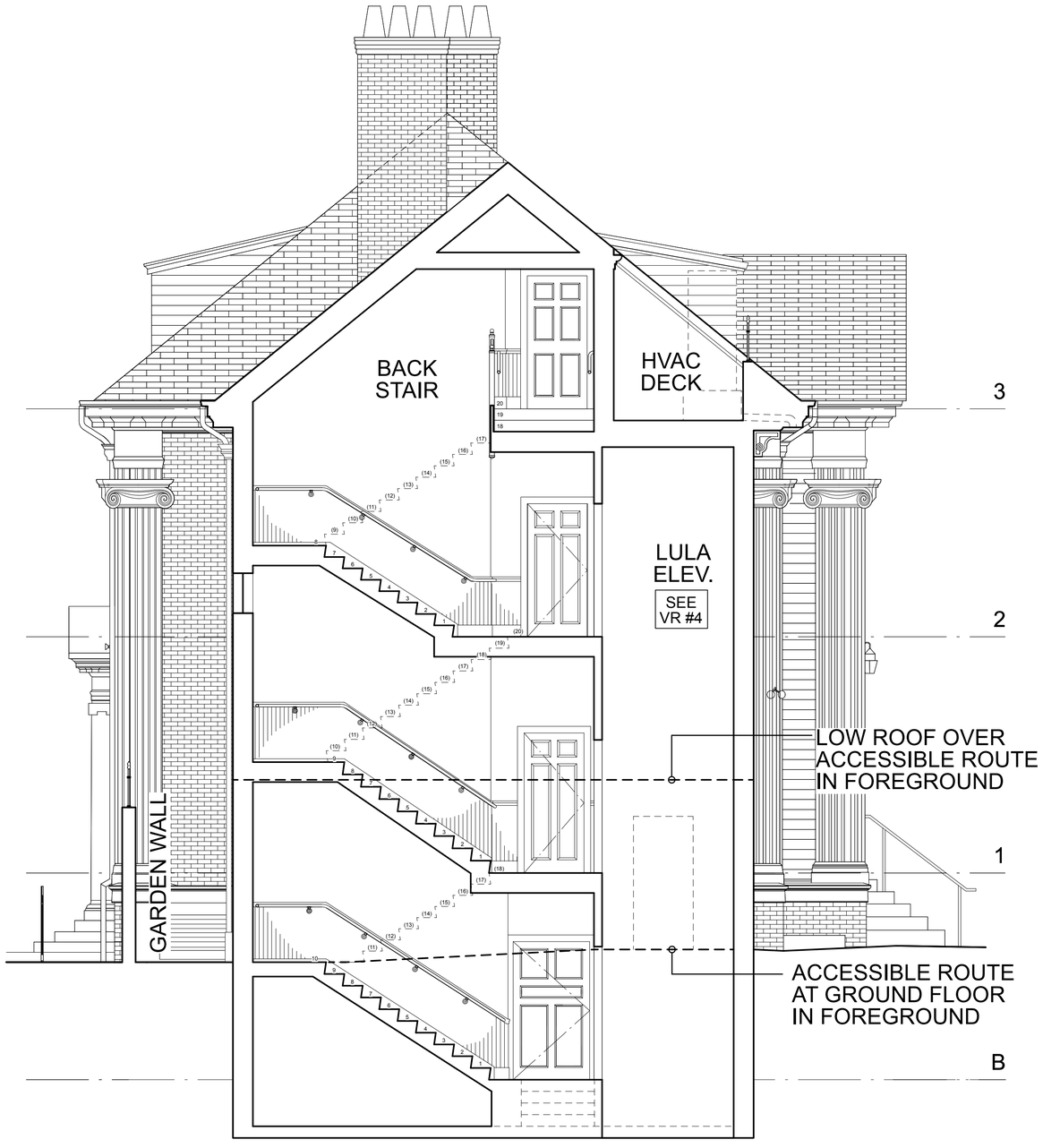
0' 4' 8' 16'

EXISTING SOUTH EXTERIOR ELEVATION (SIDEYARD FACADE)

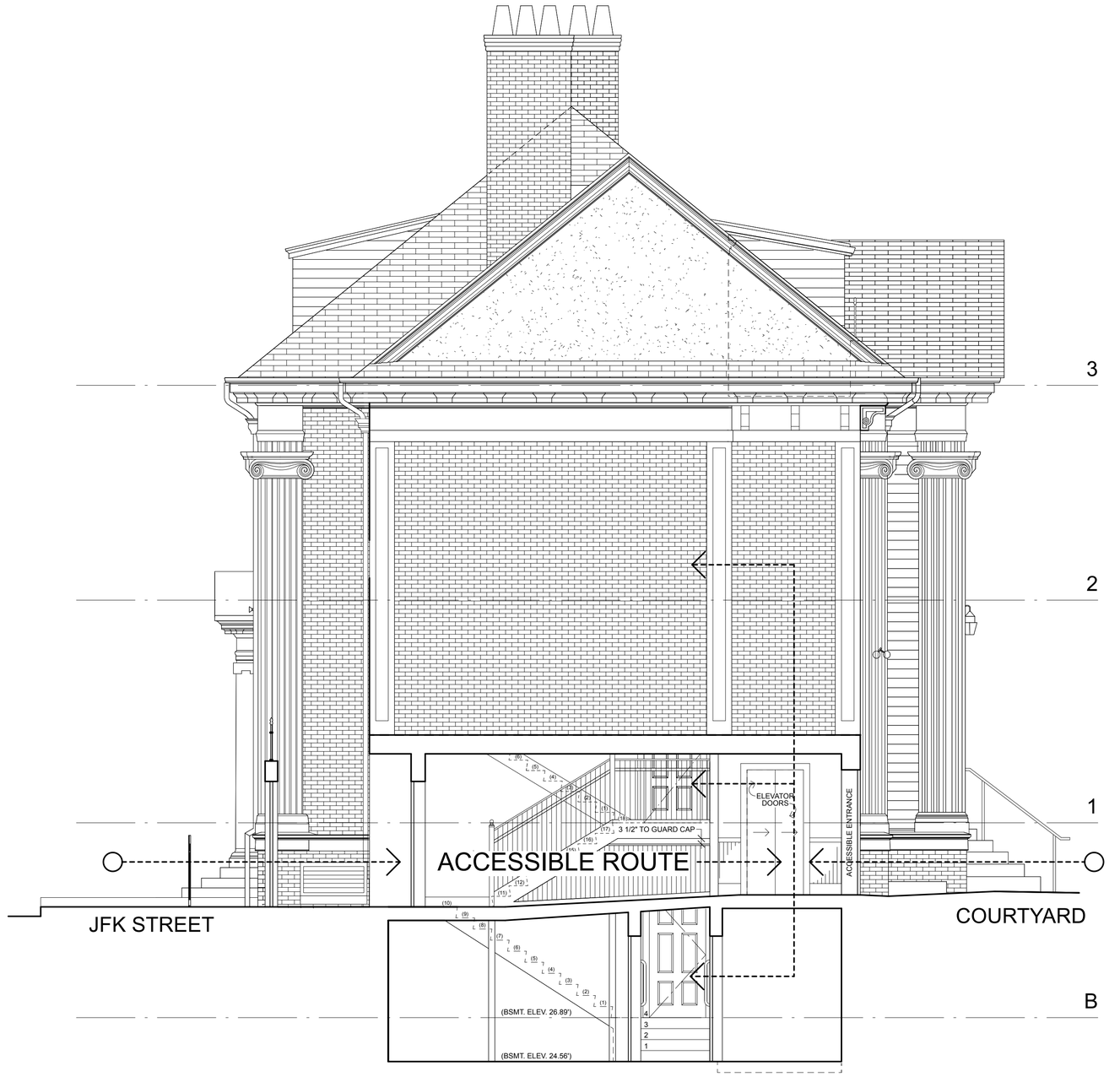


0' 4' 8' 16'

EXISTING NORTH EXTERIOR ELEVATION (MT. AUBURN FACADE)



PROPOSED SECTION THRU STAIRS & ELEVATOR



PROPOSED SOUTH ELEVATION & ACCESSIBLE ROUTE

AAB 123

FOX CLUB / V23-124
44 JFK Street / Cambridge MA 02138

SECTION B: 521 CMR 25: ENTRANCES / Variance Request #1

521 CMR 25.1 requires each public entrance to be accessible. Existing exterior doors at the facility are as follows:

1. Main Entrance / JFK Street: primary entrance in center of front façade.
2. Side Door / Mt. Auburn Street: basement door at bottom of north areaway stairs.
3. Back Door / Courtyard: back door to first floor bar and service area.
4. Side Door / Courtyard: basement door at bottom of south areaway stairs; areaway will be removed, and this door will become an interior door within the addition.

The original entrance on the front façade is the primary public entrance, but that entrance is not accessible and cannot be made so without significant disruption to historic features. The entrance consists of three exterior steps leading to the original door, a flush threshold at the door, an interior landing followed by five steps up to the first floor. The difference in grade between the sidewalk and first floor is 48". The front façade is setback less than four feet from the sidewalk, so an exterior ramp is not technically feasible. To make the front entrance accessible, the following work would be required:

- Remove three original pyramidal stone steps at the exterior entrance stoop.
- Lower the original door and threshold elevation at the entrance to meet grade.
- Replace column plinths to new grade and modify the original transom window.
- Lower the interior landing upon entry to meet finished grade of the exterior.
- Construct interior foyer stairs for the 48" rise to the first finished floor.
- Provide a vertical wheelchair lift with 90-degree door configuration for access.
- Replace two oversized 49" doors in the foyer with 36" doors due to disruptions.
- Significantly alter the historic character of the original circular Grand Foyer.

To make the north areaway entrance accessible would require installing an exterior vertical lift with a door that would swing out into the busy Mt. Auburn Street sidewalk. The exterior lift would also require removal of the decorative bay window on the building's north façade.

To make the back door accessible would require installing a 42-foot-long switchback exterior ramp with landings and a replacement stair. This would consume a significant amount of the enclosed courtyard space whereas the addition will provide an accessible courtyard entry.

In lieu of disrupting the historic entrances in these significant ways, the addition will provide an accessible front and back entrance. A sign at the three historic entrances will direct occupants to the accessible entrances. The addition provides extensive functionality for meeting overall accessibility requirements while preserving the building's historic integrity.

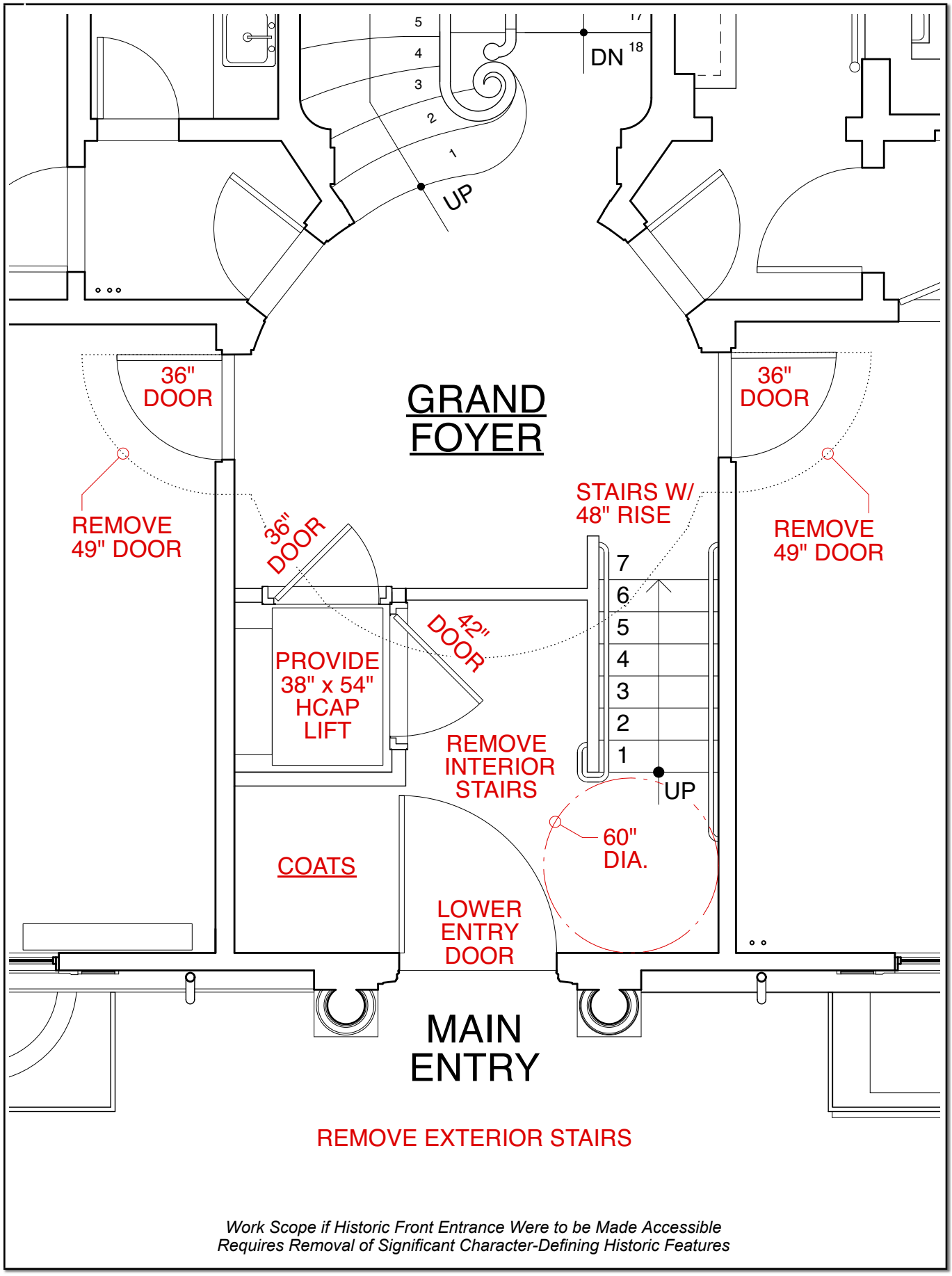
The cost of making the front entrance, north areaway, and back door accessible is $805,000 and disrupts historic character. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities, especially since the proposed addition provides front and rear accessible entrances and other advantages for accessibility that extend well beyond the entrance component.



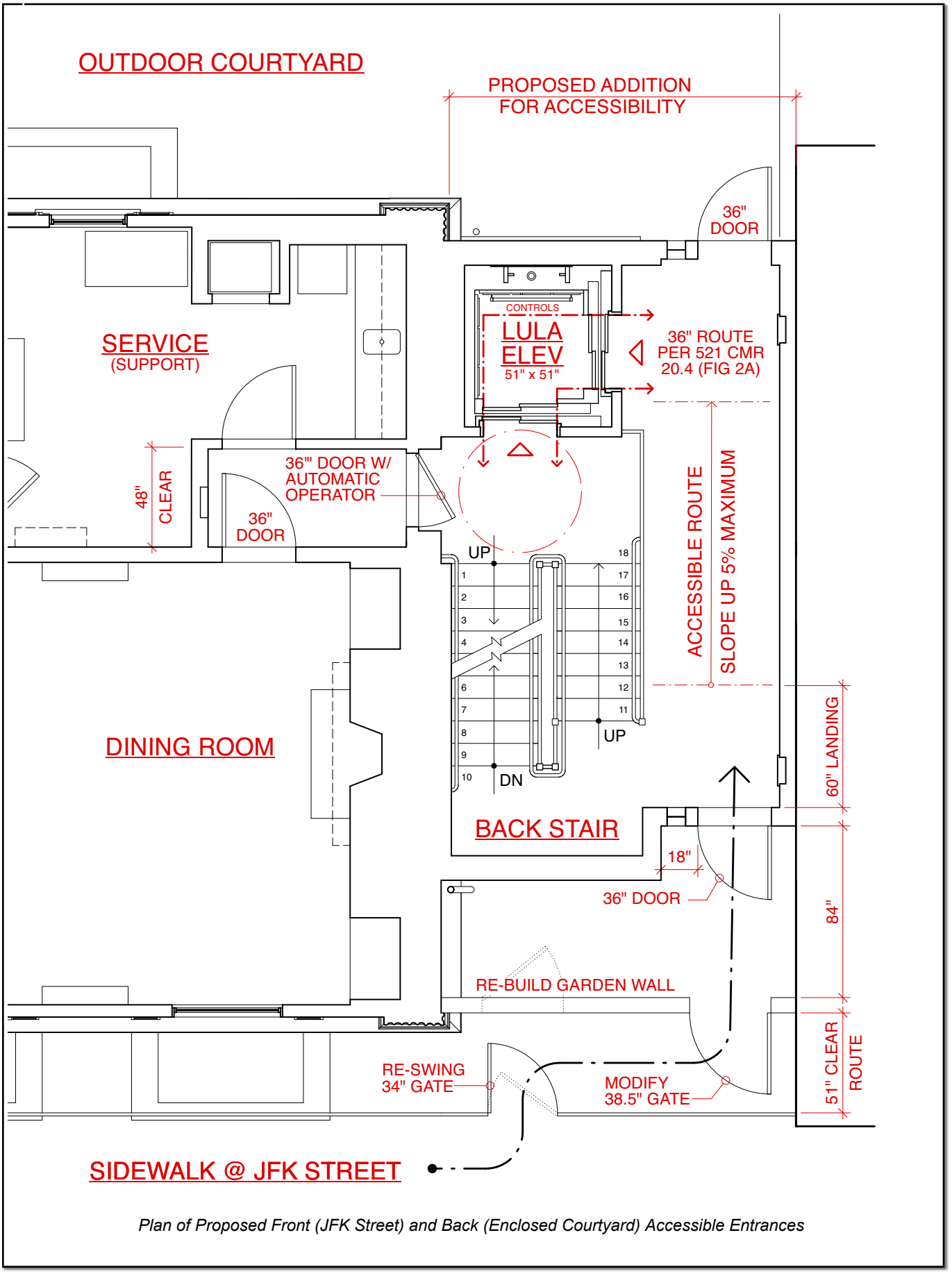
Three Steps Up to Main Central Entrance and Limited Depth Between Sidewalk and Facade Does Not Allow Space for an Accessible Ramp



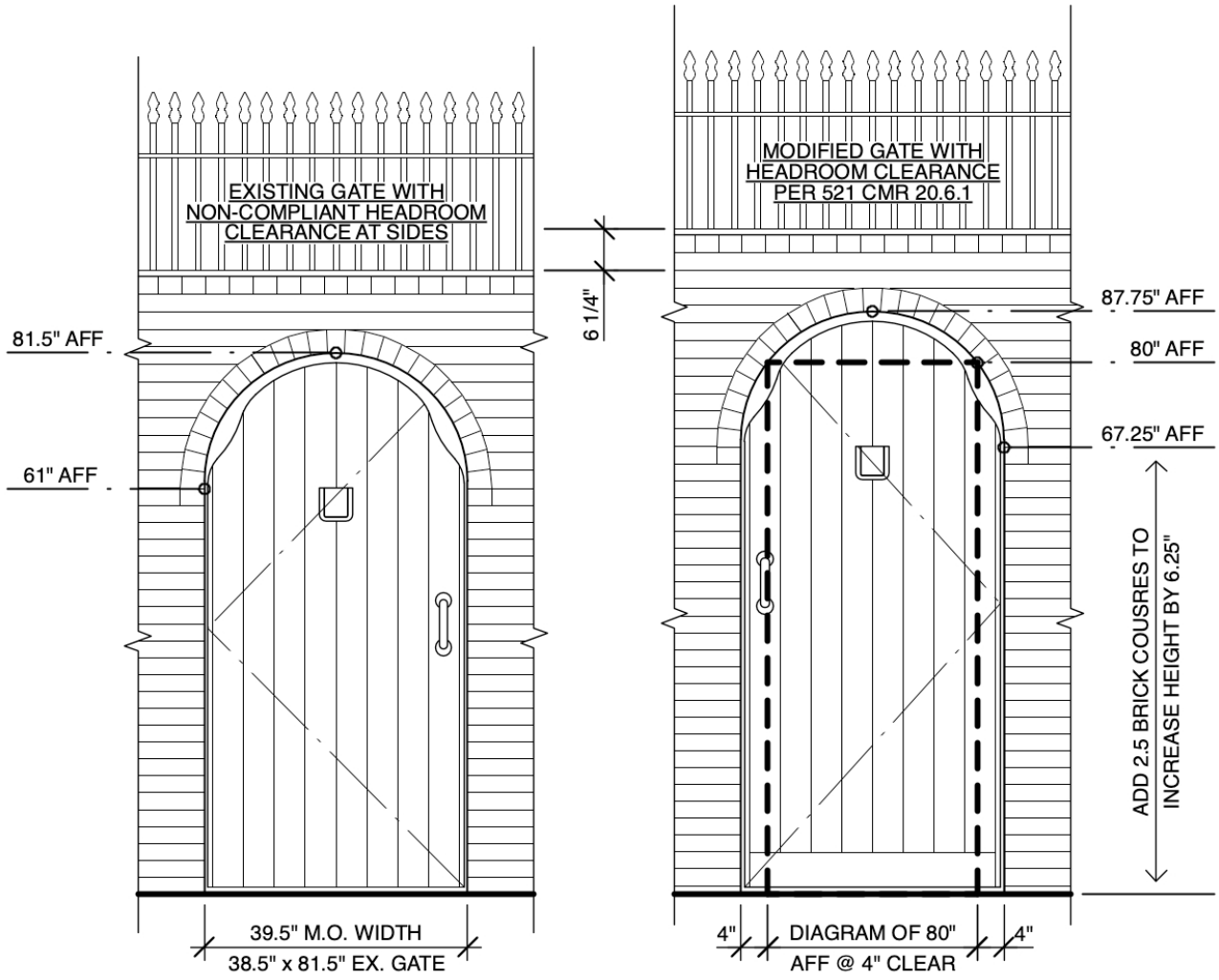
Five Steps Up from Central Entrance to Grand Foyer;
First Floor Interior of the Fox Club is 48" Above Sidewalk Grade



Work Scope if Historic Front Entrance Were to be Made Accessible
Requires Removal of Significant Character-Defining Historic Features



Plan of Proposed Front (JFK Street) and Back (Enclosed Courtyard) Accessible Entrances

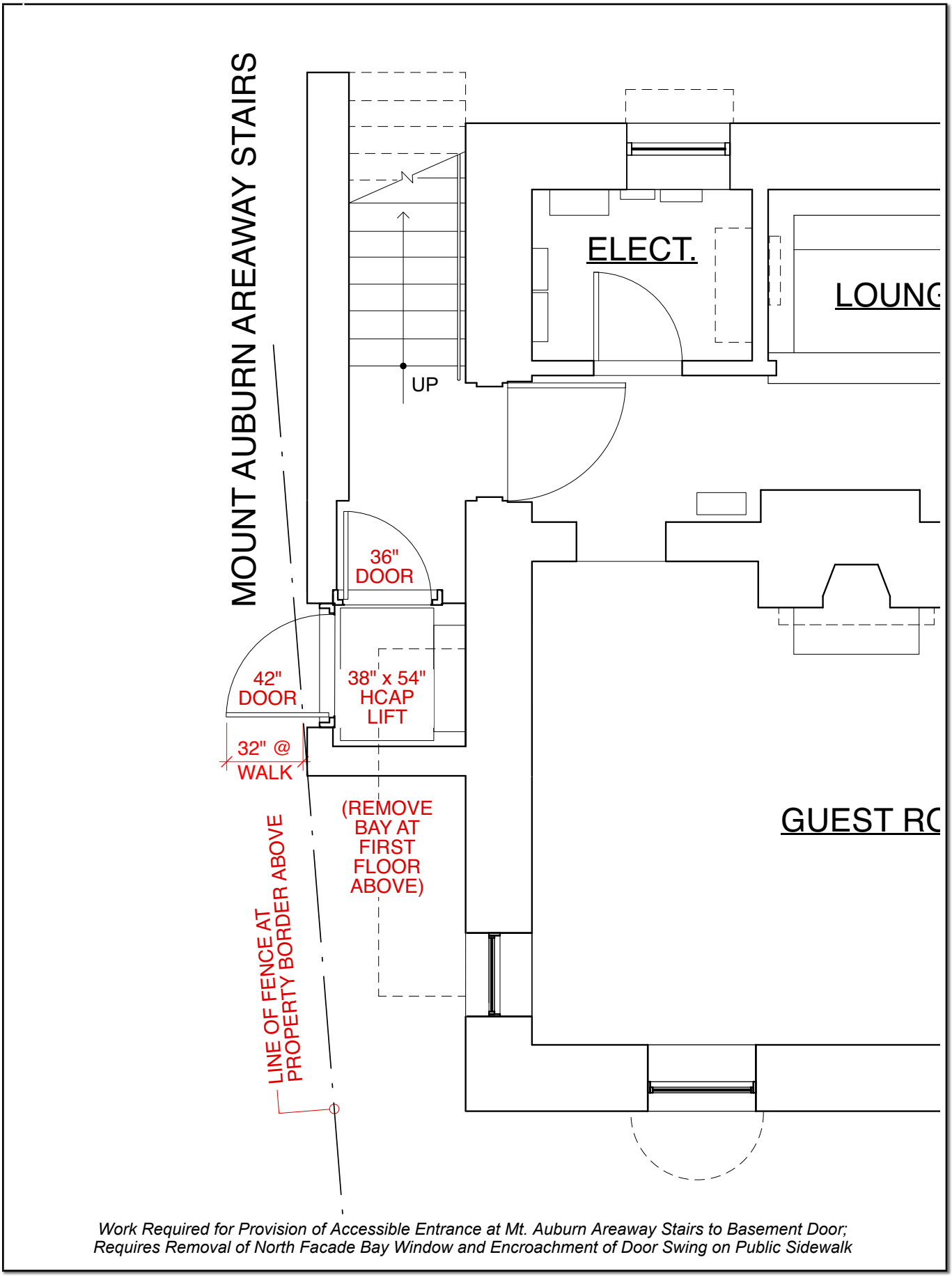


NOTES:

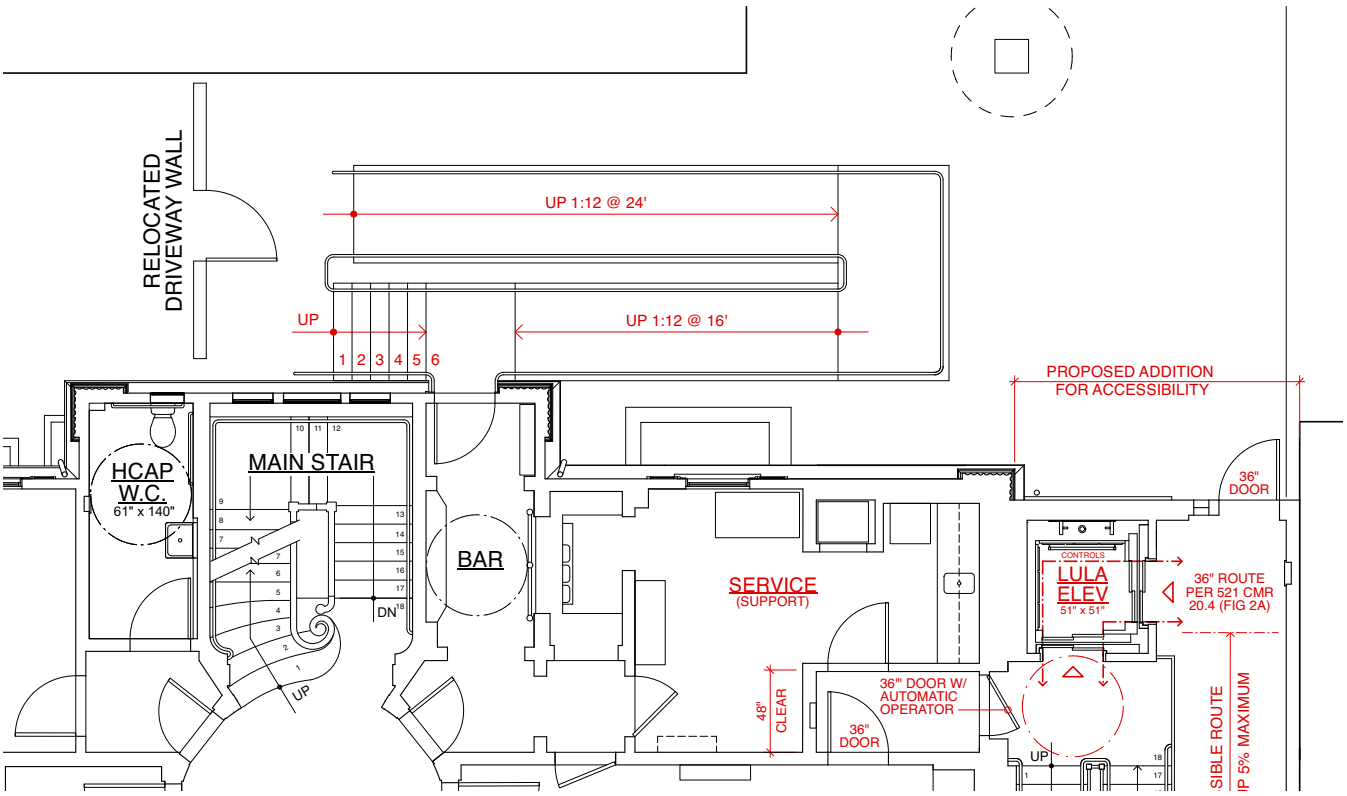
1) RE-BUILD EXISTING GARDEN WALL AT PRIMARY FACADE W/ SALVAGED HISTORIC MATERIALS IN THE SAME LOCATION.

2) RE-LOCATE & MODIFY EXISTING WOODEN GATE IN REVISED LOCATION FOR PROVISION OF AN ACCESSIBLE ENTRANCE.

Existing and Modified Garden Wall Gate for Provision of Accessible Entrance at Front Facade; 80" Headroom Provided at 4" From Jamb of Masonry Opening to Preserve Shape of Archway



Work Required for Provision of Accessible Entrance at Mt. Auburn Areaway Stairs to Basement Door; Requires Removal of North Facade Bay Window and Encroachment of Door Swing on Public Sidewalk



Work Required for Provision of Accessible Entrance at Back Door in Courtyard;
Note that Proposed Accessible Courtyard Entrance is 32' Away From 42' Ramp

Request #1: COST of FULL COMPLIANCE to 521 CMR 25 ENTRANCES	
25.1: MODIFICATION OF THREE HISTORIC ENTRANCES FOR ACCESSIBILITY	
$44,000	Front: Demolish Existing Entrance Steps and Modify Surroundings
$40,000	Front: Provide Interior 90-Degree Vertical Wheelchair Lift
$48,000	Front: Door Operators, Lift Power, HVAC Modifications, Miscellaneous
$64,500	Front: Interior Stairs, Handrails, Guardrail, Reconfigure Foyer Doors
$135,000	North: Expand Areaway, Modify North Facade, Remove Bay Window
$75,000	North: Provide Exterior 90-Degree Vertical Wheelchair Lift & Enclosure
$49,500	North: Door Operator, Lift Power, Fence Reconfiguration, Misc.
$77,700	Back: Provide 42' Exterior Ramp with Landings and Stairs
$53,300	Back: Provide Guardrails and Dual Handrails at Ramp; Stair Railings
$57,000	Back: Door Operator, Lighting, Sitework, Paving Repairs
$644,000	Subtotal of Estimated Direct Trade Costs
$161,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$805,000	**Estimated Project Cost for Full Compliance at All Entrances**

Estimated Cost of Full Compliance for Conversion of Three Historic Entrances into Accessible Entrances

FOX CLUB / V23-124
44 JFK Street / Cambridge MA 02138

SECTION C: 521 CMR 26: DOORWAYS / Variance Request #2

521 CMR 26.1 requires doors along accessible routes to comply with all provisions of this section of the regulations. The following improvements and upgrades to existing doors will be implemented such that they will not require any variance requests:

- Two 33.5" wide doors with less than 32" clear width when open will receive swing-clear hinges to provide fully compliant widths without having to widen the doors.
- Three doors in the addition stair will receive automatic opening devices to overcome door clearance issues related in compliance with the exception in 521 CMR 26.6.
- Original wood thresholds will be re-shaped to comply with floor level requirements.
- Doorknobs will be replaced with period-appropriate lever handles for operability.

Doors serving support areas (Commercial Kitchen, Pantry, Bar Service Areas, Office, Closets, Utilities) are restricted to staff and authorized personnel only. Variances are requested from 521 CMR 26.6 to address maneuverability issues related to the following ten doors:

Basement / Mt. Auburn: An oversized 46" original wood door in the north façade at the base of areaway stairs is a character-defining door. Relief from provision of an automatic opening device is requested since this door is the subject of variance request #1.

Basement / Pair of Doors at Main Stair: The main stair has two outswing doors that have adequate pull side clearances but minimal push side clearances. These doors will be held open typically with magnetic devices that release in the event of a fire alarm.

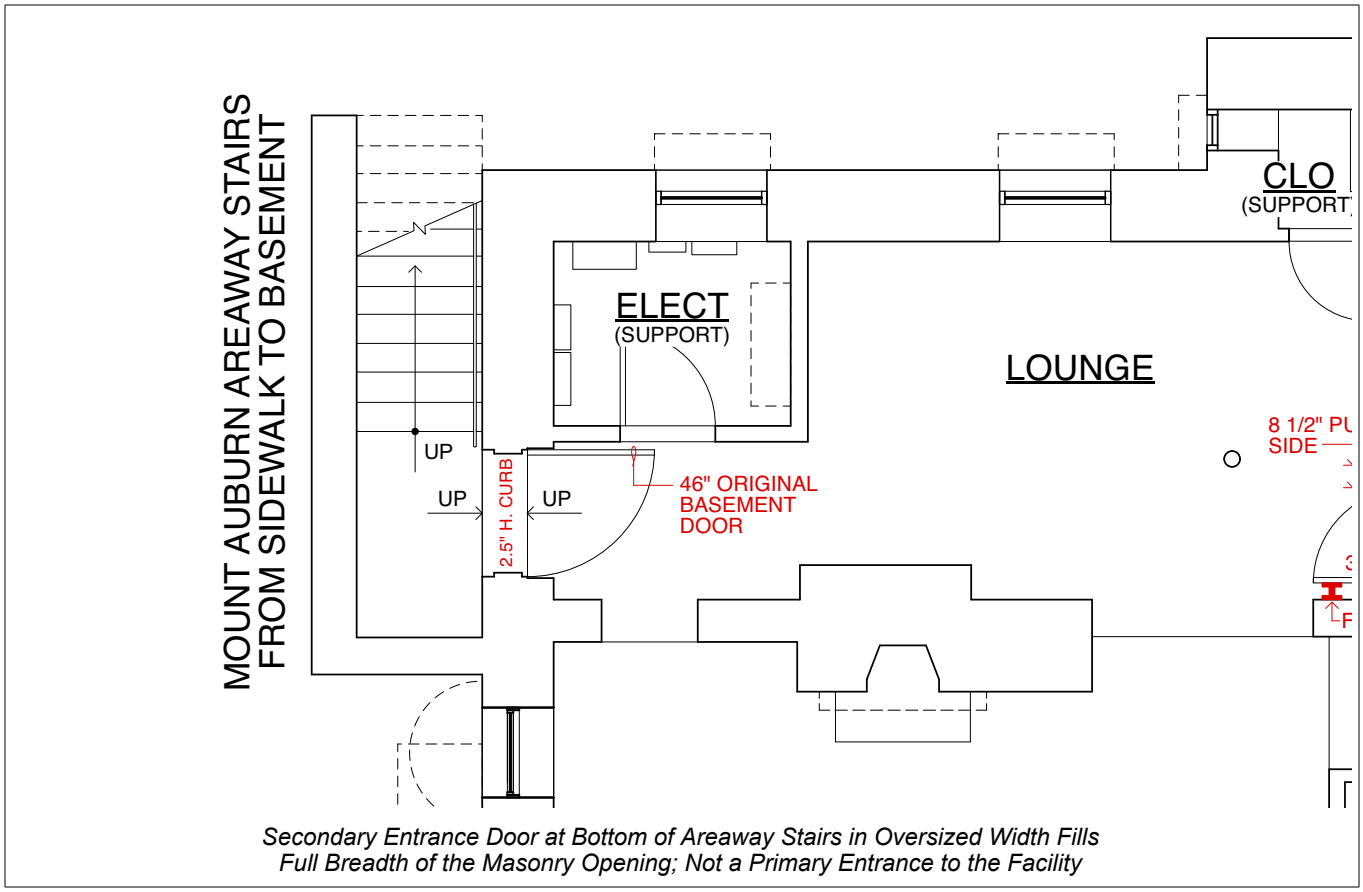
First Floor / Four Doors in Grand Foyer: The character-defining circular foyer has two 49" doors and two 33.5" doors that, due to the thickness and geometry of the walls, do not meet maneuverability clearances. As noted previously, swing-clear hinges will be provided for the 33.5" doors, all four doors will receive lever handles, and the thresholds will be reshaped. These doors are typically left open, rendering maneuverability clearance a moot issue.

First Floor / Main Entrance Door: An oversized 54" original wood door at the main entrance is a character-defining door. Relief from provision of an automatic opening device is requested since this door is the subject of variance request #1.

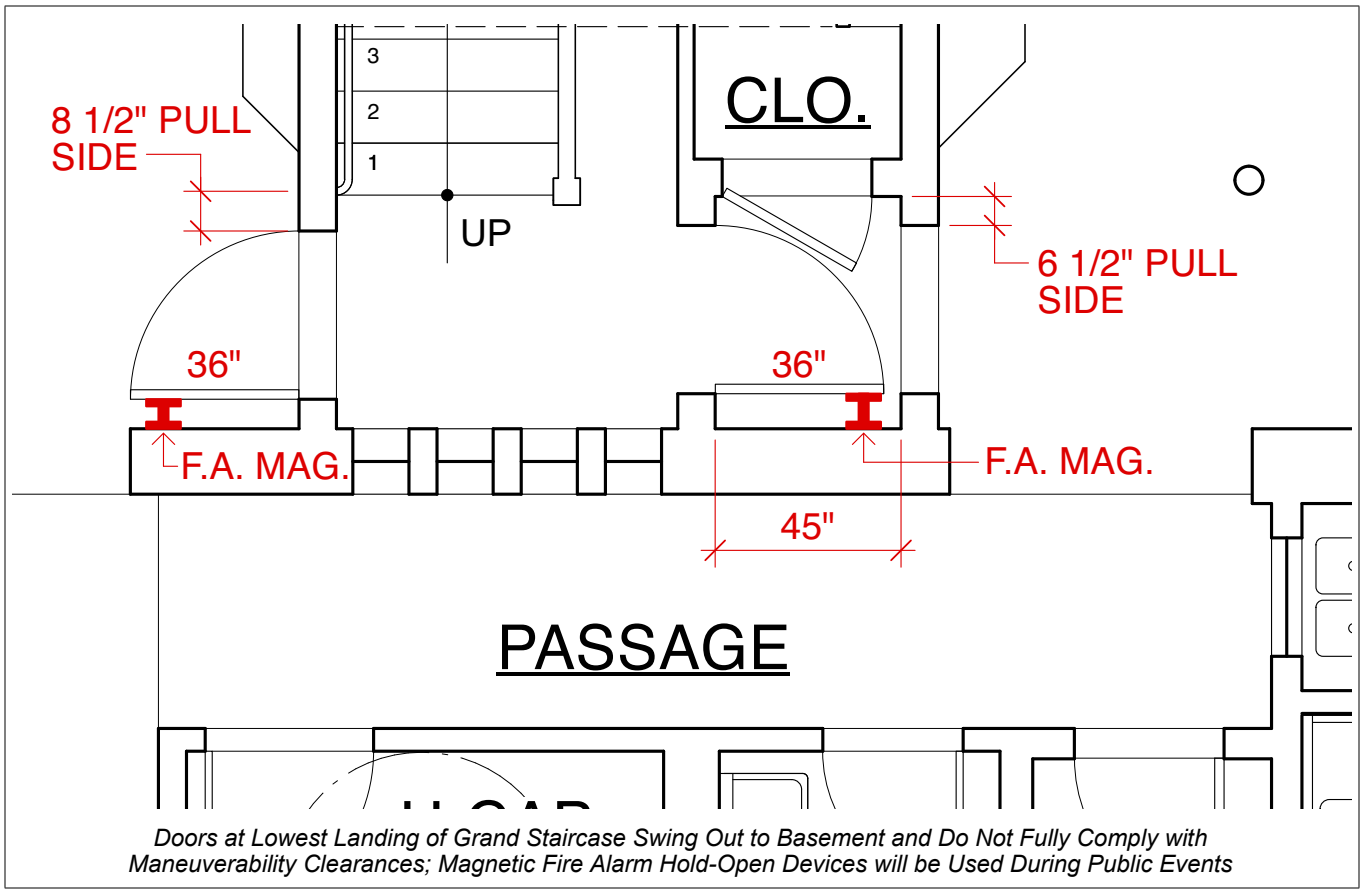
First Floor / Back Door: A 36" original wood door at the back exterior stairs has limited clearance at the interior due to its historic configuration. Relief from provision of an automatic opening device is requested since this door is the subject of variance request #1.

Second Floor / Library: The door into the library has limited pull side clearance due to the adjacent original built-in bookshelves. This could be corrected by modifying the bookcases or adding an automatic opening device. Since this door is typically left open, the cost of disrupting historic conditions is excessive since maneuverability clearance is a moot issue.

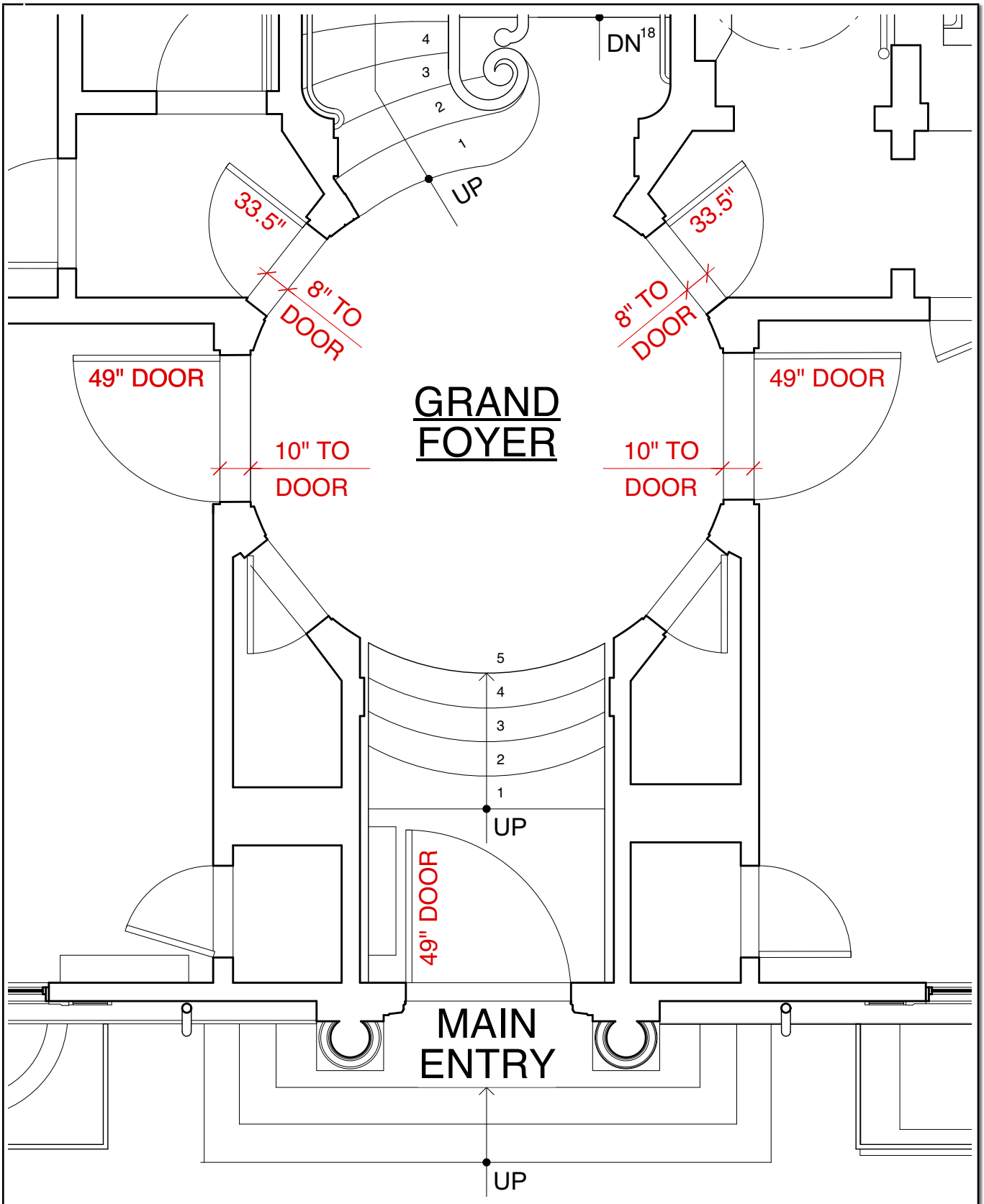
The cost of full compliance for compliance with 26.6 for door maneuverability is $200,000 if Variance Request #1 is granted ($265k if not). It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities.



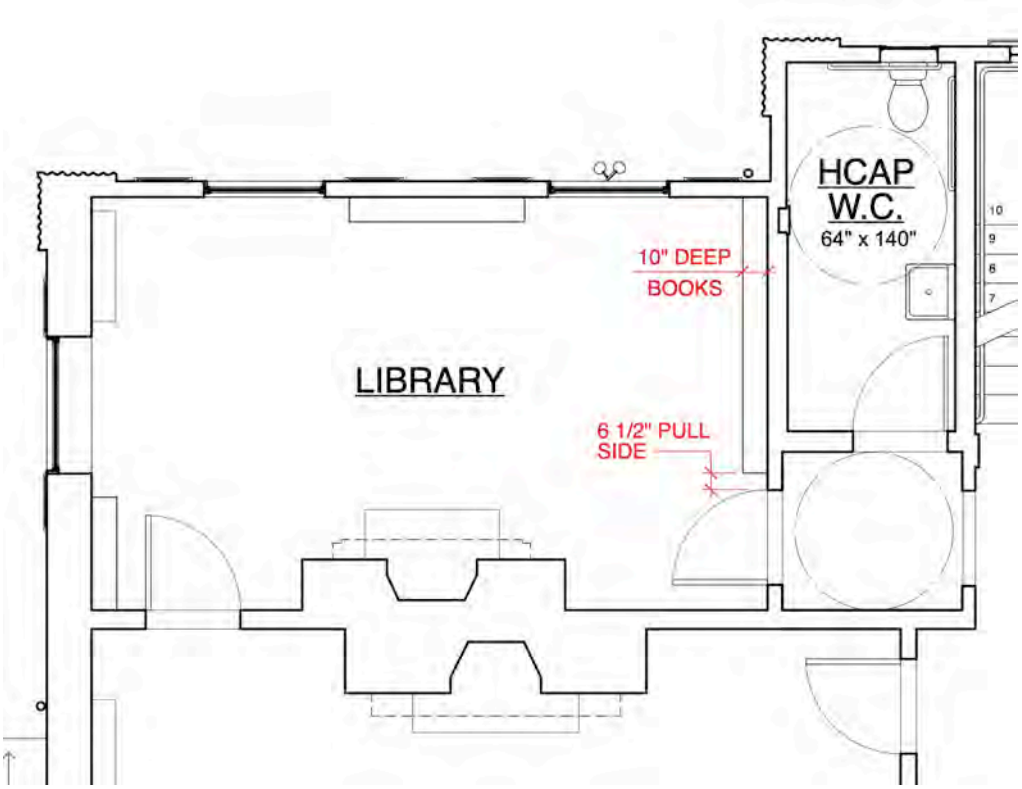
Secondary Entrance Door at Bottom of Areaway Stairs in Oversized Width Fills Full Breadth of the Masonry Opening; Not a Primary Entrance to the Facility



Doors at Lowest Landing of Grand Staircase Swing Out to Basement and Do Not Fully Comply with Maneuverability Clearances; Magnetic Fire Alarm Hold-Open Devices will be Used During Public Events



Original Doors in the Deep Circular Character-Defining Walls of the Grand Foyer Do Not Fully Comply with Maneuverability Clearances; Interior Doors Normally Kept Open; 33.5" Doors to Receive Swing Clear Hinges



Second Floor Library Door has Limited Pull Side Clearance Due to Original Bookcases; Door to be Kept Open During Public Events in Accordance with Club Policy

Request #2: COST of FULL COMPLIANCE to 521 CMR 26 DOORWAYS	
26.6: MANEUVERING CLEARANCES AT SELECTIVE DOORWAYS	
$36,000	Basement Mt Auburn Areaway: Auto Operator for 46" Private Door
$28,000	Basement Main Stair: Auto Operators for Two 36" Doors
$32,000	First Floor Foyer: Auto Operators for Two 49" Original Doors
$18,500	First Floor Foyer: Auto Operators for Two 33.5" Original Doors
$16,500	First Floor Entry: Auto Operator for Exterior 54" Original Door
$12,500	First Floor Back Door: Auto Operator for Exterior 36" Original Door
$7,000	Second Floor Library: Modify Bookshelves, Flooring, Wall & Trim
$60,000	Power, Concealed Wiring, Patching, Painting at Ten Doors
$210,500	Subtotal of Estimated Direct Trade Costs for 26.6 Compliance
$54,500	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$265,000	**Estimated Project Cost for Full Compliance at Doorways**
($65,000)	Credit for 3 Exterior Doors if Variance Request #1 is Granted
$200,000	**Adjusted Value if Relief per Variance Request #1 is Accepted**

Cost of Full Compliance for Doorways

FOX CLUB / V23-124
44 JFK Street / Cambridge MA 02138

SECTION D: 521 CMR 27: STAIRS / Variance Request #3

The Massachusetts State Building Code *780 CMR 34 – Existing Buildings* accepts handrails and guards by reference to the *2015 International Existing Building Code – Chapter 12 / Historic Buildings* per Sections 1203.9 and 1203.10. However, 521 CMR 27.1 states that "all stairs are required to comply" with the accessibility regulations of 521 CMR 27. Relief for stair nosings (27.3) and handrails (27.4) of the historic building are requested below.

As stated in 27.3, risers shall be sloped or the underside of nosings shall be angled. The historic facility has three types of nosings and risers that do not meet current accessibility regulations but do not appear to be unsafe or create tripping hazards.

1. Exterior granite steps with vertical risers at 3 pyramidal steps to main entrance and 12 areaway steps serving a basement door below Mt. Auburn Street.
2. Bluestone treads projecting 3/4" at pyramidal stairs to the back door serving the bar and support spaces. Not an egress stair from the interior.
3. Interior wood nosings projecting 7/8" with traditional molded scotia below treads forming an angle of 57.5-degrees from horizontal.

As stated in 27.4, stairways shall have continuous handrails on both sides of all stairs at a height of 34" to 38" measured above the nosings. Historic conditions are as follows:

- Front Entry: no handrails at the exterior (3 steps) or interior foyer (5 steps). Relief is requested for acceptance of historic conditions and configurations.
- Grand Staircase: central guard at 29" above nosings and 37" above floor landings with no perimeter handrails at wainscoting. Acceptance of the guard is requested, and continuous wall-mounted handrails are proposed with clearance below the chair rail at 32.75" above nosings and 36.5" to 38" above landings. To comply with minimum 34" AFF would require replacement of the original wainscoting chair rail.
- Mt. Auburn Areaway Stairs to Basement: request acceptance of traditional handrail mounted to building wall at 34" above nosings and install second handrail opposite.
- Back Door Stairs: provide pair of handrails at existing stairs and request relief for current stair configuration since it is not required for egress from the interior.

Note that the proposed new stair in the addition, which will serve all four levels of the building, will be fully compliant with current building codes and accessibility regulations. The addition will have accessible entrances in the front and in the courtyard. Signs at the main entrance, the Mt. Auburn areaway, and the back door stairs will direct occupants to the accessible entrances into the addition with its fully compliant stairway and elevator.

The cost of making all stairways compliant is $410,000 and disrupts historic character. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities, especially since the proposed addition provides a fully compliant stairway serving all floor levels of the facility and an elevator serving all accessible levels.

220216-IMG_0819.JPG



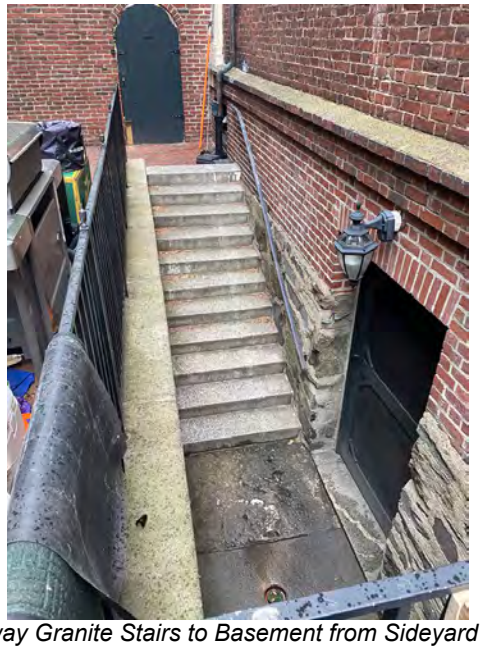
Main Entrance on Front Facade with Original Granite Steps to Landing at Flush Stoop; No Railings; Proposed Addition with Fully Compliant Stairs Beyond

230425-IMG_0718.JPG



Interior Steps at Main Entrance to Grand Foyer; Carpeted Wood Stairs with No Railings; Grand Staircase Beyond

220718-IMG_1857.JPG



Areaway Granite Stairs to Basement from Sideyard to be Removed for Accessible Addition with Entrances from JFK Street & Courtyard, Elevator, and New Stair

220718-IMG_1855.JPG



Stairs in Courtyard to Back Door Serving the Bar and Support Areas; Proposed Addition at Left Includes Accessible Courtyard Entry, Stair & Elevator; Pair of Handrails to be Provided at Back Door Stairs

230608-IMG_0989.JPG



Granite Areaway Stairs to Basement Entrance Adjacent to Mt. Auburn Street; Original Handrail to Right Side of Stairs; Second Handrail to be Provided at Left Side

230608-IMG_0990.JPG



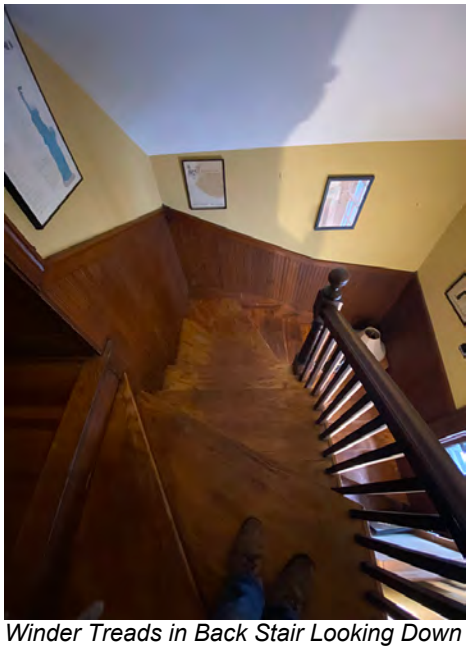
Traditional Railing at Mt. Auburn Areaway Stairs at 34" Above Nosing with 1.5" Clearance to Wall

230608-IMG_0991.JPG



Custom Fox Casting at Areaway Stairs to Mt. Auburn Street Areaway Basement Entrance

220718-IMG_1848.JPG



Winder Treads in Back Stair Looking Down from Third Floor; Stair to be Removed and New Code-Compliant Stair to be Provided in Addition

220718-IMG_1840.JPG



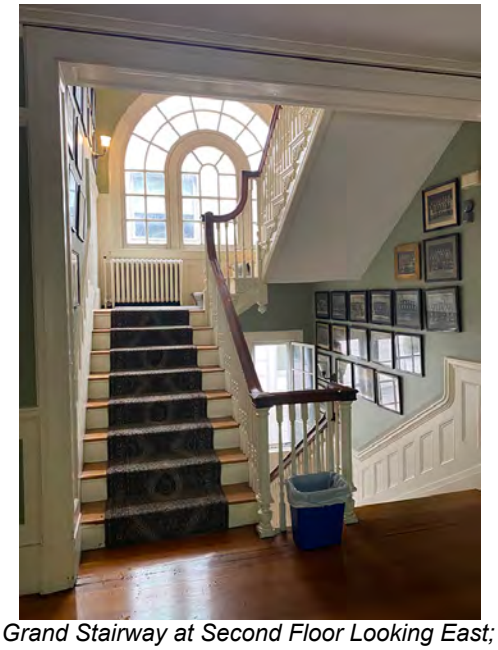
Original Grand Stair Balustrade Looking Toward Central Foyer and Front Entrance

220718-IMG_1841.JPG



Details at Original First Floor Stair Balustrade of 1902 Grand Staircase Adjacent to Foyer

220718-IMG_1851.JPG



Grand Stairway at Second Floor Looking East; Continuous Wall Mounted Handrails Proposed at the Perimeter Wood Wainscoting

230425-IMG_0707.JPG



Detail of Stair Risers, Carved Stringers, Newel Posts, Drop Finials, and Balusters

230608-IMG_1001.JPG



Original 1902 Wainscoting at Grand Staircase at Perimeter Walls; Continuous Railings to be Provided with Required Clearance to Chair Rail

230608-IMG_1002.JPG



Original 1902 Guard at Grand Staircase; Top of Guard at 29" Above Nosings

230608-IMG_0999.JPG

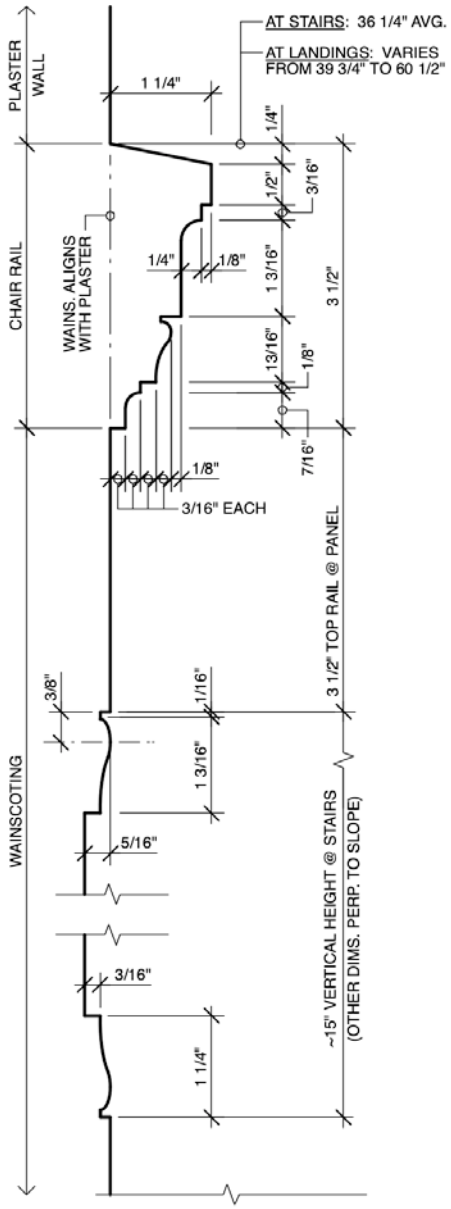


Original 1902 Guard of Grand Staircase at Landings

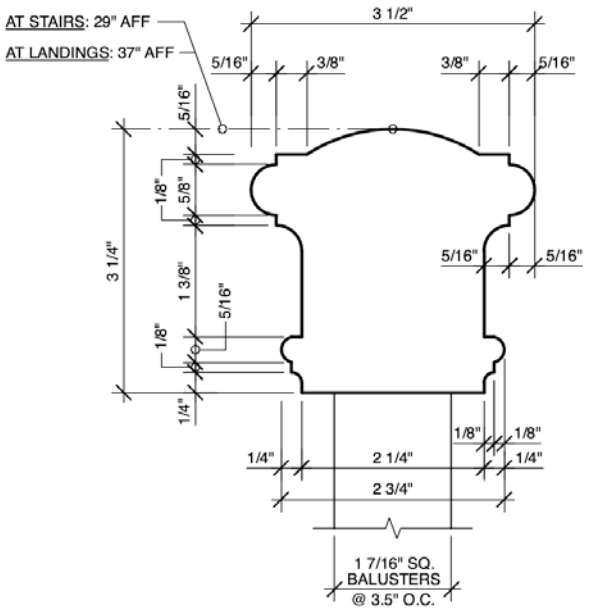
230608-IMG_1003.JPG



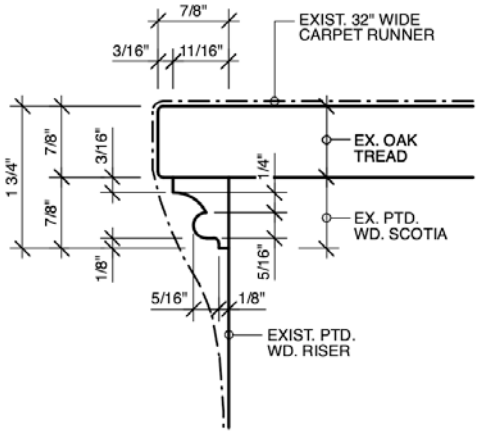
North Elevation at Second Floor Landing; Note that the Radiator & Piping will be Removed for Placement of Continuous Wall-Mounted Handrail



3 A-30 EX. STAIR WAINSCOTING
Scale: Half Actual Size

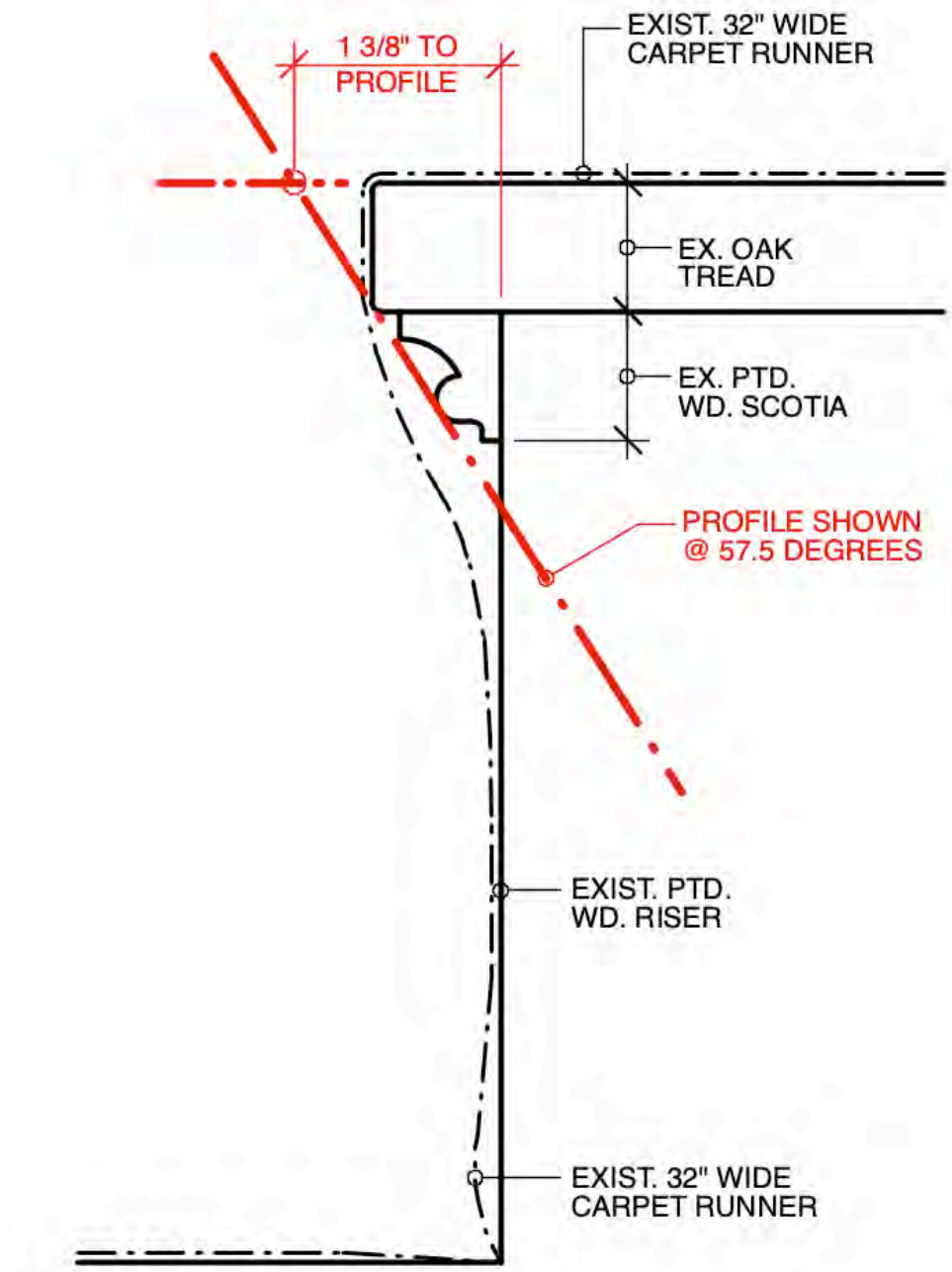


1 A-30 EXISTING GUARD RAIL
Scale: Half Actual Size



2 A-30 EXIST. STAIR NOSING
Scale: Half Actual Size

Original Details of 1902 Grand Staircase at Wainscoting, Central Guard, and Nosings

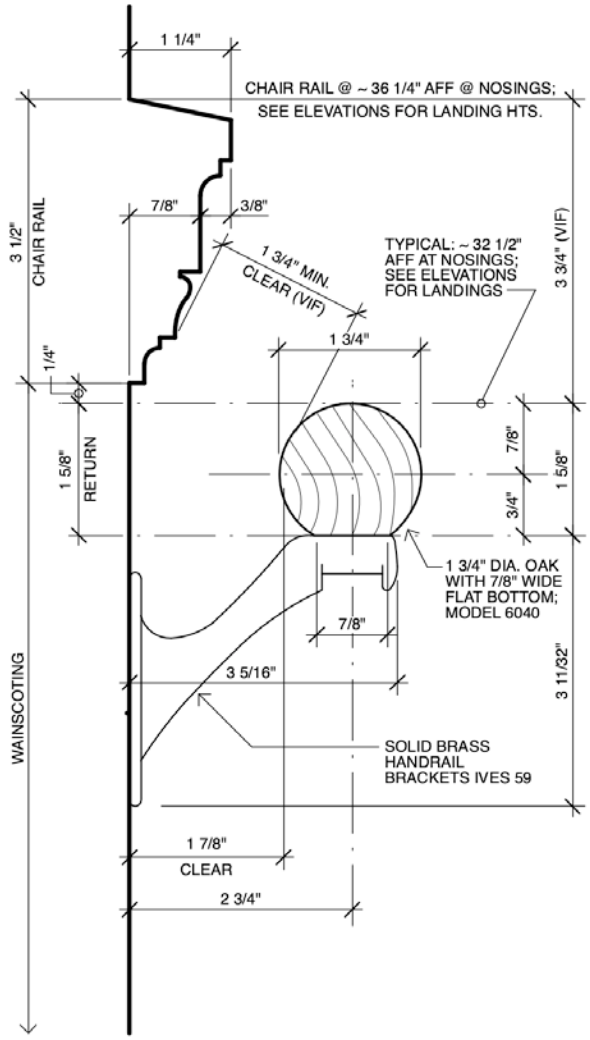


2
A-30

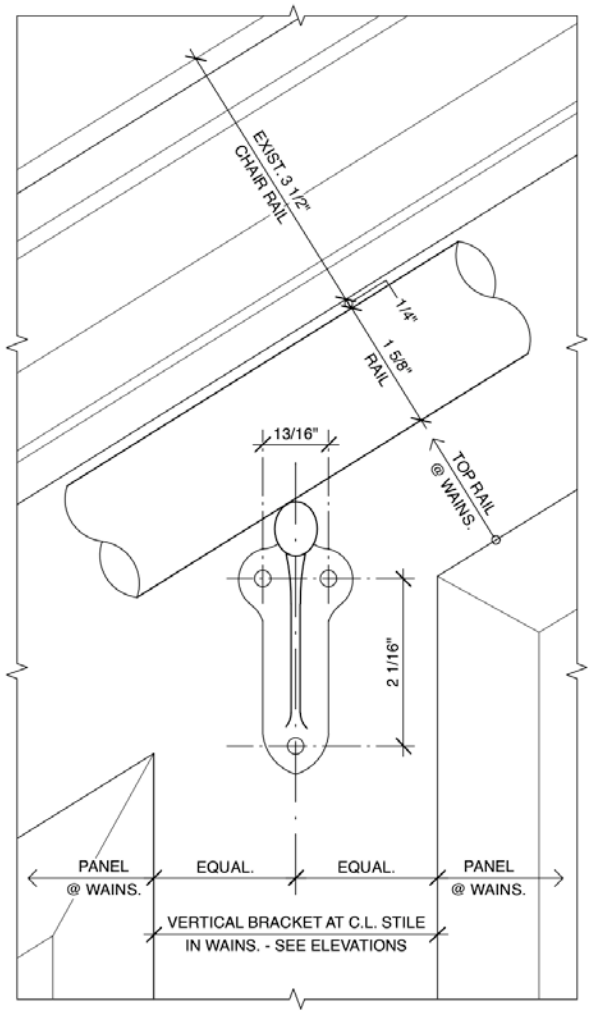
EXIST. STAIR NOSING

Scale: Half Actual Size

Details of Original Wood Nosing as Compared to Current Accessibility Requirements of 60-Degrees and <1.5”

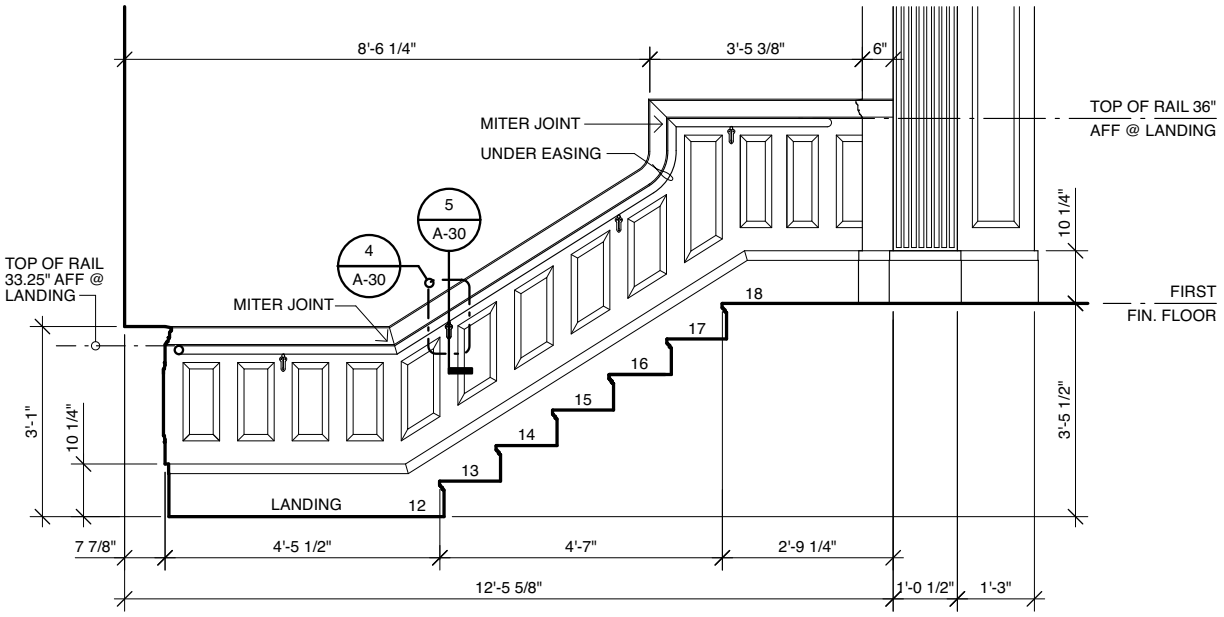


5 / A-30 RAILING SECTION
Scale: Half Actual Size



4 / A-30 RAILING ELEVATION
Scale: Half Actual Size

Proposed Placement of Continuous Wall-Mounted Handrails in Grand Staircase at Height of 32.5" Above Nosings; Meeting 34" Minimum Height Requires Removal of Chair Rail Obstruction; Height at Landings 36.5" to 38" AFF



G / A-30 BASEMENT-TO-1ST SOUTH @ MAIN STAIR ELEVATION

Scale: 3/8" = 1'-0"

Sample of Added Handrail on Perimeter Walls of Grand Staircase; Height Maintains Clearance to Original Chair Rail

Request #3: COST of FULL COMPLIANCE to 521 CMR 27 STAIRS	
27.3: COMPLIANCE OF ALL STAIR RISERS AND NOSINGS	
$25,000	Front Entry Stairs: Modify Nosings at Exterior Stone Steps
$4,000	Front Entry Stairs: Modify Nosings at Interior Foyer Steps
$21,000	Grand Staircase: Modify Nosings at All Flights of Central Stairs
$50,500	Mt Auburn Stairs: Modify Nosings at Granite Areaway Steps
$28,000	Back Door Stairs: Rebuild to Extend Landing & Modify Nosings
$128,500	Subtotal of Estimated Direct Trade Costs for 27.3 Compliance
27.4: COMPLIANCE WITH HANDRAILS ON BOTH SIDES OF ALL STAIRS	
$7,500	Front Entry Stairs: Add Railings at Exterior Stone Steps
$9,000	Front Entry Stairs: Add Railings at Interior Foyer Steps
$125,000	Grand Staircase: Replace Guardrail and Include Railings
$38,000	Grand Staircase: Modify Wainscoting Chair Rail for Railing Height
$179,500	Subtotal of Estimated Direct Trade Costs for 27.4 Compliance
$102,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$410,000	**Estimated Project Cost for Full Compliance at Stairs**

Cost of Full Compliance for Stairs

FOX CLUB / V23-124
44 JFK Street / Cambridge MA 02138

SECTION E: 521 CMR 28: ELEVATORS / Variance Request #4

52 CMR 28.1 requires multi-level buildings to be served by a passenger elevator while certain conditions allow for wheelchair lifts and limited use elevators per 28.12. This facility has four levels, a basement through third floor. A passenger elevator is required for this project unless a variance is obtained for a Limited Use / Limited Application elevator (LULA).

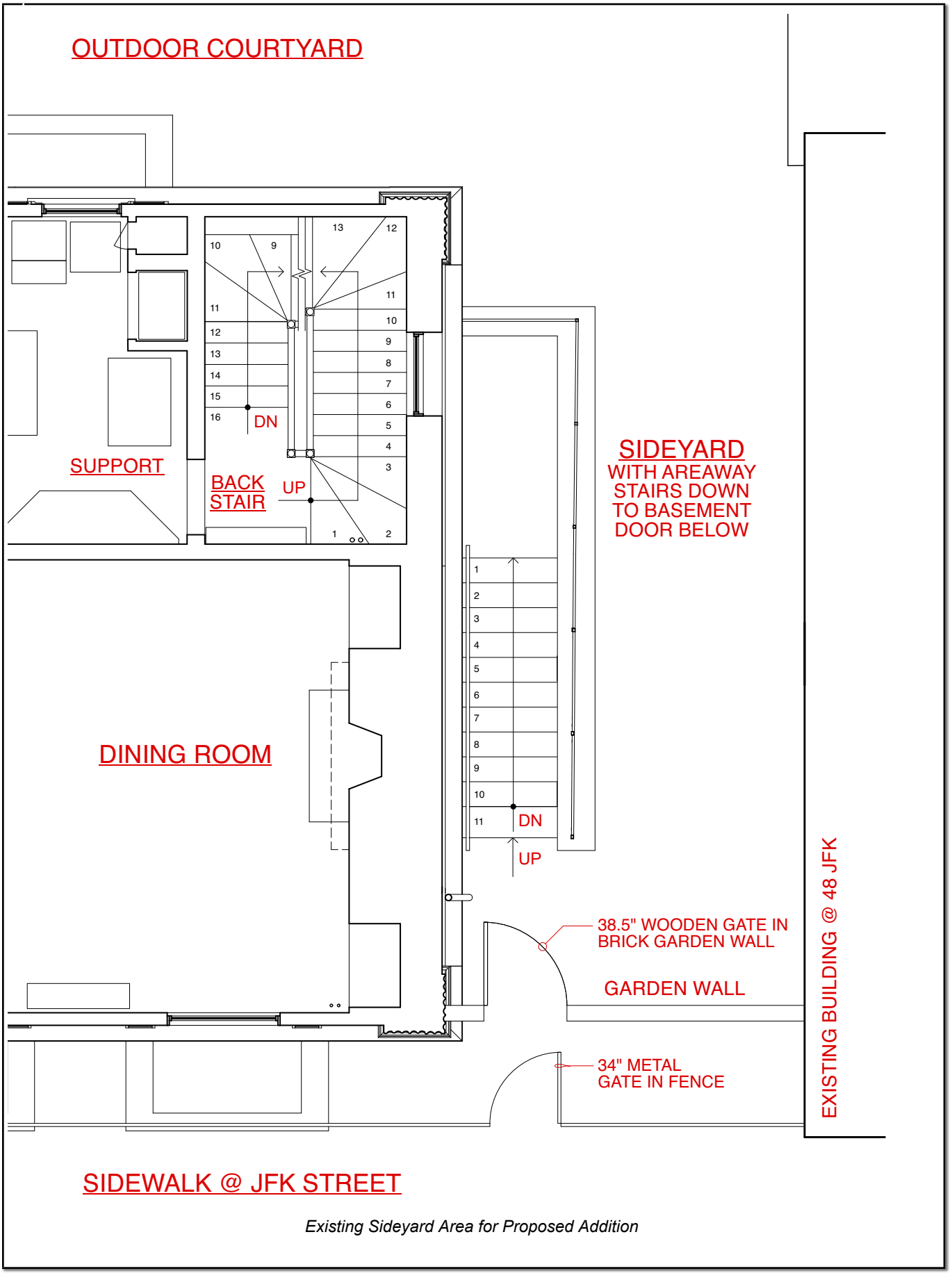
None of the conditions in 521 CMR 28.12.1 (items "a" through "e") allow a LULA elevator in lieu of a full passenger elevator for this facility. Reasons for proposing a LULA include:

- The third floor contains fewer than five sleeping rooms for transient lodging, so this level does not require accessibility per 521 CMR 8.1.a. The overall rise from the basement to the second floor is 22'-2 1/4" while the maximum rise of a LULA per MA code is 25'-0", so the smaller elevator is feasible in this regard.
- Since the footprint of a LULA is smaller than a passenger elevator, massing of the addition can be minimized in relation to the existing historic facility.
- The Cambridge Historical Commission has approved the exterior envelope of the proposed addition with the LULA, and the Cambridge Commission for Persons with Disabilities has also expressed support for this appropriately integrated solution. The Massachusetts Historical Commission has also endorsed the project design.
- Since the over-run required for a LULA (distance above the upper landing to underside of hoistway) can be minimized for a LULA by providing a code-compliant car-top prop, the overall height of the hoistway allows for an HVAC deck to be integrated into the third floor roofline, avoiding encroachment of equipment at the outdoor courtyard and minimizing noise considerations to immediate abutters.
- The footprint and height of a passenger elevator hoistway would require a larger, more visible addition that would be awkwardly appended to this historic facility. If a fourth landing were provided for access to the third floor, the hoistway enclosure would significantly alter the original roof profile and enlarge the building massing.

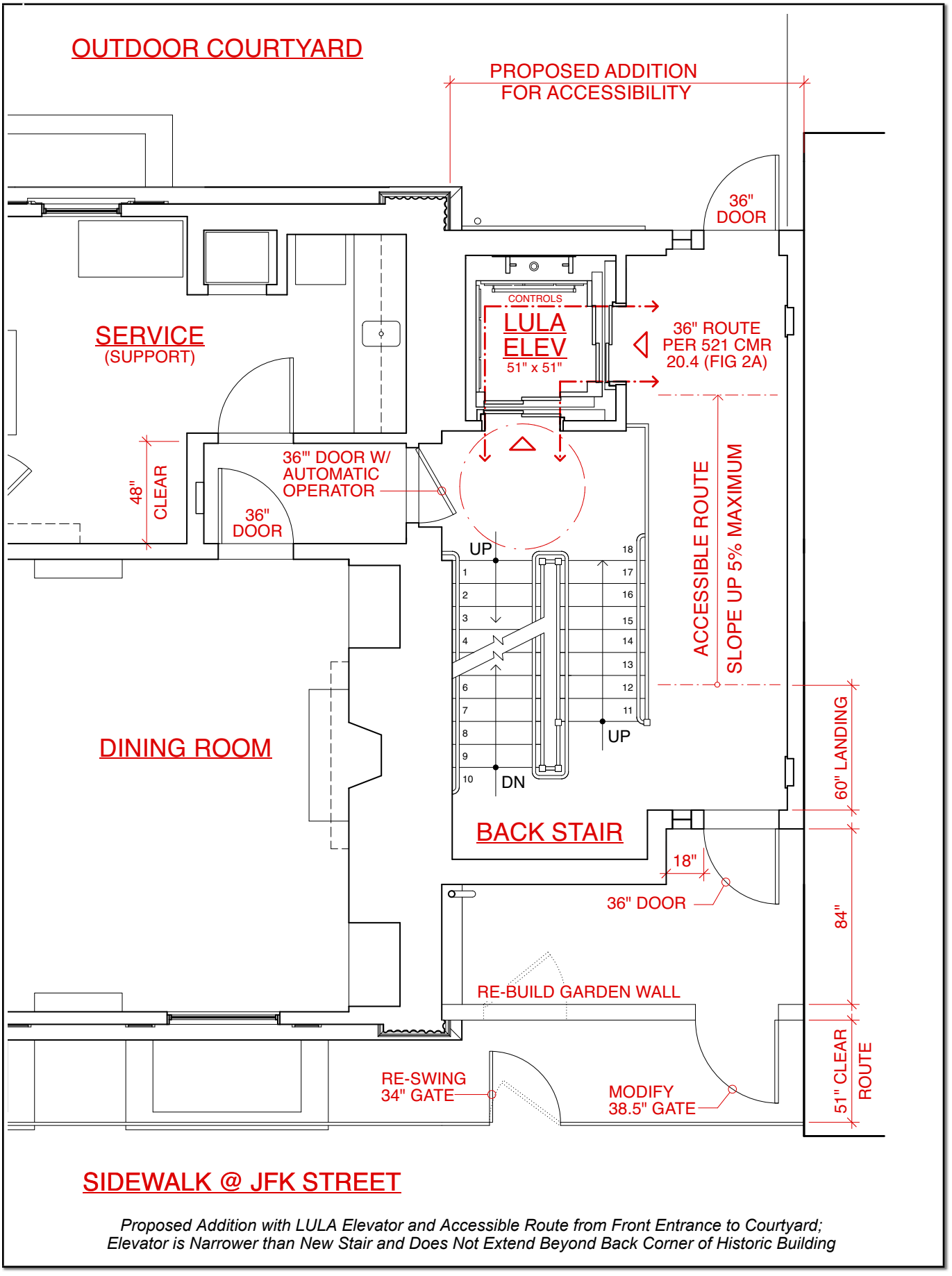
Hence, a LULA is proposed since it provides vertical access to the three accessible floor levels while being appropriately integrated within the massing of the historic building envelope.

In addition to the variance request from 521 CMR 28.1 to allow a LULA in lieu of an elevator, the cab size also requires relief since the regulations describe a typical LULA per 28.12.3.a with a cab size of 36" x 60" and a single door on the 36" side. This yields a cab size of 15 square feet. The proposed LULA requires a side door and front door to fit access within the footprint of the addition. The accessible entrance level at the elevator landing is about 50" below the first floor, so a side door is essential. Each floor landing will be at the front side of the elevator. Both doors will be 36" wide and the interior cab will be 18 square feet with clearances of 51" x 51". This configuration complies with the dimensions of an accessible route per 521 CMR 20.4, Figure 2a as illustrated in the drawings.

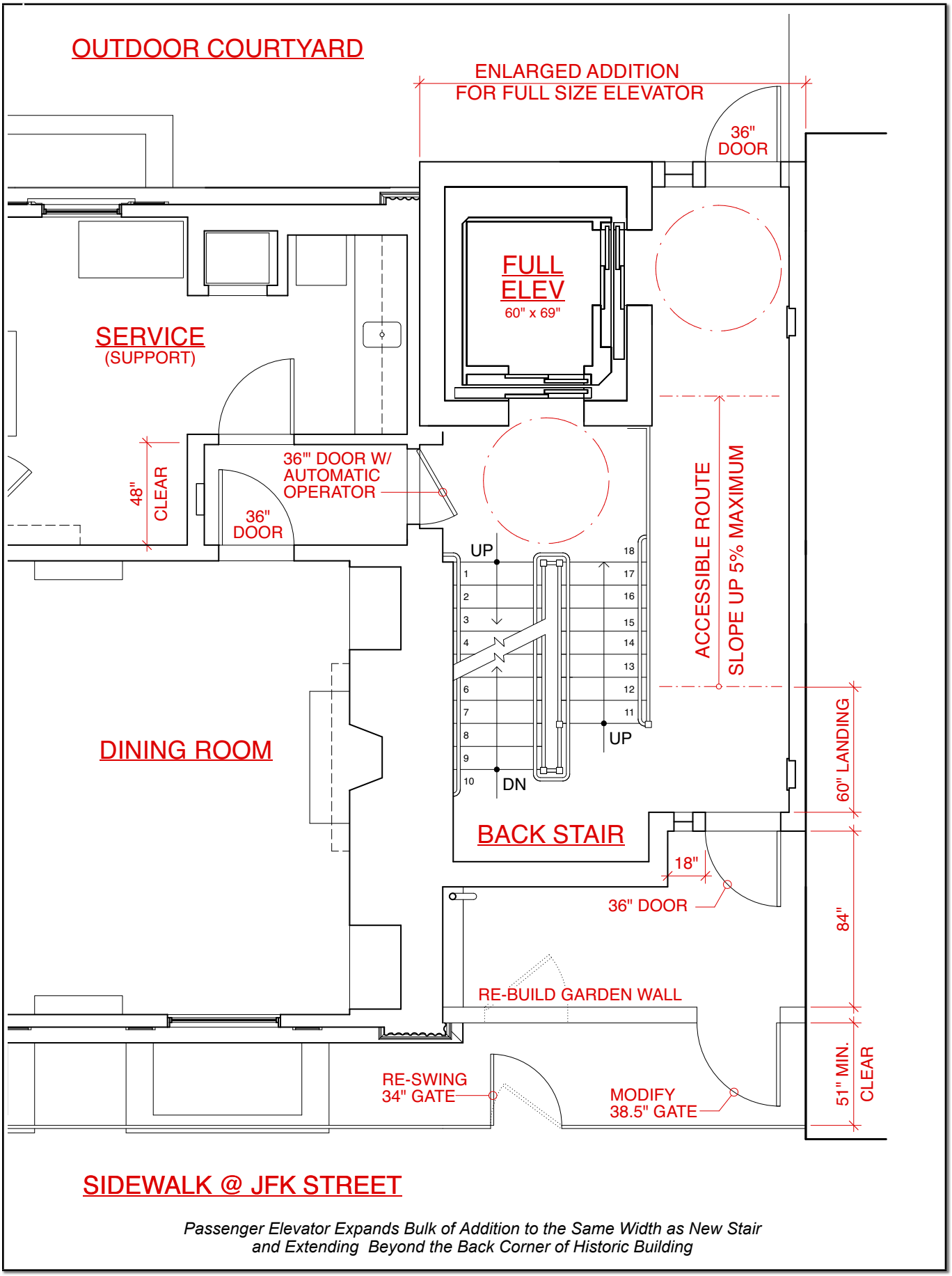
The cost of full compliance for elevators is $610,000 and a full elevator would disrupt the historic character of the addition. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities.



Existing Sideyard Area for Proposed Addition



Proposed Addition with LULA Elevator and Accessible Route from Front Entrance to Courtyard;
Elevator is Narrower than New Stair and Does Not Extend Beyond Back Corner of Historic Building



Passenger Elevator Expands Bulk of Addition to the Same Width as New Stair and Extending Beyond the Back Corner of Historic Building



Proposed Addition to the South of Building Includes LULA Elevator Beyond the View

Request #4: COST of FULL COMPLIANCE to 521 CMR 28 ELEVATORS	
28.1: REQUIREMENT FOR PROVISION OF A PASSENGER ELEVATOR	
$475,000	Provision of Accessible Hydraulic Corner-Post Passenger Elevator
$24,000	Extended Foundation Costs for Deeper Elevator Pit & Underpinning
$72,000	Extended Building Envelope Costs for the Additional Hoistway Size
$36,000	Additional Power, Structural and Miscellaneous Costs for Elevator
$8,000	Larger Elevator Equipment Room for the Passenger Elevator
$12,000	Costs for Placement of HVAC Equipment at Grade vs Third Floor Deck
($175,000)	Credit for Provision of Limited Use / Limited Application Elevator
$452,000	Subtotal of Estimated Direct Trade Costs for 28 Compliance
$158,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$610,000	**Estimated Project Cost for Passenger Elevator Instead of a LULA**

Estimated Cost of Full Compliance for Conversion of Historic Entrance to an Accessible Entrance

FOX CLUB / V23-124
44 JFK Street / Cambridge MA 02138

SECTION F: LETTERS OF SUPPORT

MASSACHUSETTS HISTORICAL COMMISSION

- Letter of Support to MAAB / June 15, 2023, with copies to:
  - Don Mills, Mills Whitaker Architects LLC
  - Kate Thurman, Cambridge Commission for Persons with Disabilities
  - Charles Sullivan, Cambridge Historical Commission

CAMBRIDGE HISTORICAL COMMISSION

- Letter of Support to MAAB / June 7, 2023, with copies to:
  - Rachel Tanenhaus, Cambridge Commission for Persons with Disabilities
  - Jacob Lazzara, [Cambridge] Inspectional Services Department
  - Brona Simon, Massachusetts Historical Commission

CAMBRIDGE COMMISSION FOR PERSONS WITH DISABILITIES

- Letter of Support to MAAB / June 22, 2023, with copies to:
  - Michael Muehe, Boston Center for Independent Living
  - Brandon Vigneault, City of Cambridge Inspectional Services Department
  - Don Mills, Mills Whitaker Architects LLC

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

June 15, 2023

William Joyce
Executive Director
Massachusetts Architectural Access Board
1000 Washington Street, Suite 710
Boston, MA 02118

RE: Fox Club, 44 JFK Street, Cambridge, MA; MHC# RC.73366

Dear Mr. Joyce:

The Massachusetts Historical Commission (MHC) is in receipt of information from Mills Whitaker Architects LLC regarding the project referenced above, received on June 13, 2023. The staff of the MHC has reviewed the information submitted and has the following comments.

Fox Club Holdings LLC proposes to renovate the historic Fox Club in Cambridge. This work includes a number of accessibility upgrades, including the construction of a fully accessible entrance addition at the side of the building, the installation of a Limited Use/Limited Application elevator to provide access to the basement, first, and second floors, and the construction of ADA compliant restrooms and a compliant interior stairwell.

Review of the MHC's *Inventory of Historic and Archaeological Assets of the Commonwealth* indicates that the Fox Club (CAM.1115) is listed in the State and National Registers of Historic Places as a contributing element of the Harvard Square Historic District (CAM.AB). Built in 1902, the Fox Club is a well-preserved example of Colonial Revival/Beaux Arts architecture. The interior and exterior of the building are mostly unaltered in design and materiality, greatly enhancing the architectural and historical significance of this building.

The MHC supports Fox Club Holding LLC's proposed plan. If granted, MAAB variances would allow the project to reach a level of compliance without removal or alteration of historic features and significant changes to the historic interior and exterior. The MHC understands that the Cambridge Commission for Persons with Disabilities and Cambridge Historical Commission also support this project.

The MHC believes that if MAAB variances are not granted, modifications to the historic front entrance, interior stairs, and interior doorways would significantly compromise the integrity of the historic building. The exterior and interior of the Fox Club retain a significant amount of original materials and historic features.

The proposed project will have "no adverse effect" (950 CMR 71.07(2)(b)(2)) on the Harvard Square Historic District. The MHC respectfully requests that the Massachusetts Architectural Access Board grant the variance requests.

Your consideration of this matter is greatly appreciated. Please do not hesitate to contact Elizabeth Sherva of my staff if you have any questions.

Sincerely,

Brona Simon
State Historic Preservation Officer
Executive Director
Massachusetts Historical Commission

xc: Don Mills, Mills Whitaker Architects LLC
Kate Thurman, Cambridge Commission for Persons with Disabilities
Charles Sullivan, Cambridge Historical Commission

CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 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. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternate Members*

June 7, 2023

William Joyce, Executive Director
Massachusetts Architectural Access Board
1000 Washington Street, Suite 710
Boston , Mass. 02118

Re: AAB Case: Fox Club, 44 JFK Street, Cambridge

Dear Mr. Joyce:

I am writing with regard to the application of Fox Club Holdings LLC for certain variances from the rules of the Architectural Access Board with regard to the renovation of the Fox Club building in Harvard Square, Cambridge.

On June 1, 2023, the Cambridge Historical Commission approved the Club's application for a Certificate of Appropriateness to make minor exterior alterations and to construct an addition to the building to improve accessibility to the building and the rear garden and to improve the building infrastructure and safety.

The building was constructed as a private club in 1902 to designs by architect Guy Lowell. Lowell is well known as the architect for Boston's Museum of Fine Arts as well as other residential and civic buildings in the region. The Fox Club is architecturally significant both as a fine example of the Georgian Revival style and for its associations with Guy Lowell. The building is located within the Harvard Square Conservation District (local neighborhood conservation district) and is a contributing building in the Harvard Square National Register Historic District.

The primary purpose of the proposed addition is to provide an accessible entrance into the building from JFK Street. The addition will house a code compliant stair and a LULA elevator that will access the basement, first and second floors. By locating the accessible entrance within the new addition, significant historic architectural features both on the exterior and the interior of the building may be preserved. Modifications to thresholds, bathrooms and room arrangements are planned inside the building, which will provide access to the assembly spaces and bathrooms within the building. The Cambridge Historical Commission requests that the Architectural Access Board find that literal compliance with its regulations is inconsistent with the retention of the historic integrity of the Fox Club building.

Sincerely,

Sarah L. Burks

Sarah L. Burks
Preservation Planner

cc: Rachel Tanenhaus, Cambridge Commission for Persons with Disabilities
Jacob Lazzara, Inspectional Services Department
Brona Simon, Massachusetts Historical Commission

AAB 152

City of Cambridge
Commission for Persons with Disabilities
51 Inman Street · Cambridge, MA · 02139-1732
617-349-4692 voice · 492-0235 tty · 349-4766 fax

Rachel Tanenhaus
Executive Director/ADA Coordinator

Kate Thurman
Disability Project Coordinator

June 22, 2023

Dawn Guarriello, Chairperson
Massachusetts Architectural Access Board
Office of Public Safety and Inspections
Division of Professional Licensure
1000 Washington Street, Suite 710
Boston, MA 02118

RE: Fox Club, 44 JFK Street, Cambridge

Dear Chairperson Guarriello and Members of the Board:

On behalf of the Cambridge Commission for Persons with Disabilities (CCPD), I am writing to express our support for the Massachusetts Architectural Access Board ("MAAB") variance application submitted for the Fox Club, 44 JFK Street, Cambridge. CCPD staff have met virtually with architect Don Mills to discuss the application.

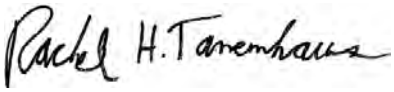
The Fox Club is a private club undergoing renovations to be able to support occasional public events. The club has requested variances based on excessive cost without any substantial benefit to persons with disabilities as well as destruction of significant historical features.

- *Req. #1 – 25.1: Provision of an accessible entrance other than the main entrance.* The applicant is building an addition containing an accessible entrance and will provide signage at the main public entrance indicating the location of said entrance.
- Req. #2 – 26.6: *Doors with noncompliant clearances will be kept open at all public events*. The applicant has codified in club policies that these doors will be kept open during public events as a matter of course.
- Req. #3 – 27.3 and 27.4.1: *Provision of continuous wall-mounted rails for grand stairway and retention of some original noncompliant stair features*. The applicant is installing a limited use/limited application elevator (LULA) and fully compliant stair in the addition and will provide rails on the grand stairway usable by the public.
- Req. #4 – 28.1 and 28.12.3a: *Provision of a LULA for vertical access to the three floors of the building containing public events*. The applicant has codified in club policies that the third floor will remain private. Construction of a full elevator would be excessively costly, but the LULA will enable vertical access.

CCPD supports these variance requests.

Thank you for your consideration of these remarks on this MAAB application. If you have any questions or need any additional information, please don't hesitate to contact me.

Sincerely,



Rachel H. Tanenhaus
Executive Director/ADA Coordinator

Cc: Michael Muehe, Boston Center for Independent Living
Brandon Vigneault, City of Cambridge Inspectional Services Department
Don Mills, Mills Whitaker Architects LLC

City of Cambridge
Commission for Persons with Disabilities
51 Inman Street · Cambridge, MA · 02139-1732
617-349-4692 voice · 492-0235 tty · 349-4766 fax

Rachel Tanenhaus
Executive Director/ADA Coordinator

Kate Thurman
Disability Project Coordinator

June 22, 2023

Dawn Guarriello, Chairperson
Massachusetts Architectural Access Board
Office of Public Safety and Inspections
Division of Professional Licensure
1000 Washington Street, Suite 710
Boston, MA 02118

RE: Fox Club, 44 JFK Street, Cambridge

Dear Chairperson Guarriello and Members of the Board:

On behalf of the Cambridge Commission for Persons with Disabilities (CCPD), I am writing to express our support for the Massachusetts Architectural Access Board ("MAAB") variance application submitted for the Fox Club, 44 JFK Street, Cambridge. CCPD staff have met virtually with architect Don Mills to discuss the application.

The Fox Club is a private club undergoing renovations to be able to support occasional public events. The club has requested variances based on excessive cost without any substantial benefit to persons with disabilities as well as destruction of significant historical features.

- *Req. #1 – 25.1: Provision of an accessible entrance other than the main entrance.* The applicant is building an addition containing an accessible entrance and will provide signage at the main public entrance indicating the location of said entrance.
- Req. #2 – 26.6: *Doors with noncompliant clearances will be kept open at all public events*. The applicant has codified in club policies that these doors will be kept open during public events as a matter of course.
- Req. #3 – 27.3 and 27.4.1: *Provision of continuous wall-mounted rails for grand stairway and retention of some original noncompliant stair features*. The applicant is installing a limited use/limited application elevator (LULA) and fully compliant stair in the addition and will provide rails on the grand stairway usable by the public.
- Req. #4 – 28.1 and 28.12.3a: *Provision of a LULA for vertical access to the three floors of the building containing public events*. The applicant has codified in club policies that the third floor will remain private. Construction of a full elevator would be excessively costly, but the LULA will enable vertical access.

CCPD supports these variance requests.

Thank you for your consideration of these remarks on this MAAB application. If you have any questions or need any additional information, please don't hesitate to contact me.

Sincerely,

Rachel H. Tanenhaus

Rachel H. Tanenhaus
Executive Director/ADA Coordinator

Cc: Michael Muehe, Boston Center for Independent Living
Brandon Vigneault, City of Cambridge Inspectional Services Department
Don Mills, Mills Whitaker Architects LLC

RECEIVED
JUN 20 2023
ARCHITECTURAL ACCESS BOARD

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

June 15, 2023

William Joyce
Executive Director
Massachusetts Architectural Access Board
1000 Washington Street, Suite 710
Boston, MA 02118

RE: Fox Club, 44 JFK Street, Cambridge, MA; MHC# RC.73366

Dear Mr. Joyce:

The Massachusetts Historical Commission (MHC) is in receipt of information from Mills Whitaker Architects LLC regarding the project referenced above, received on June 13, 2023. The staff of the MHC has reviewed the information submitted and has the following comments.

Fox Club Holdings LLC proposes to renovate the historic Fox Club in Cambridge. This work includes a number of accessibility upgrades, including the construction of a fully accessible entrance addition at the side of the building, the installation of a Limited Use/Limited Application elevator to provide access to the basement, first, and second floors, and the construction of ADA compliant restrooms and a compliant interior stairwell.

Review of the MHC's *Inventory of Historic and Archaeological Assets of the Commonwealth* indicates that the Fox Club (CAM.1115) is listed in the State and National Registers of Historic Places as a contributing element of the Harvard Square Historic District (CAM.AB). Built in 1902, the Fox Club is a well-preserved example of Colonial Revival/Beaux Arts architecture. The interior and exterior of the building are mostly unaltered in design and materiality, greatly enhancing the architectural and historical significance of this building.

The MHC supports Fox Club Holding LLC's proposed plan. If granted, MAAB variances would allow the project to reach a level of compliance without removal or alteration of historic features and significant changes to the historic interior and exterior. The MHC understands that the Cambridge Commission for Persons with Disabilities and Cambridge Historical Commission also support this project.

The MHC believes that if MAAB variances are not granted, modifications to the historic front entrance, interior stairs, and interior doorways would significantly compromise the integrity of the historic building. The exterior and interior of the Fox Club retain a significant amount of original materials and historic features.

The proposed project will have "no adverse effect" (950 CMR 71.07(2)(b)(2)) on the Harvard Square Historic District. The MHC respectfully requests that the Massachusetts Architectural Access Board grant the variance requests.

Your consideration of this matter is greatly appreciated. Please do not hesitate to contact Elizabeth Sherva of my staff if you have any questions.

Sincerely,

Brona Simon
State Historic Preservation Officer
Executive Director
Massachusetts Historical Commission

xc: Don Mills, Mills Whitaker Architects LLC
Kate Thurman, Cambridge Commission for Persons with Disabilities
Charles Sullivan, Cambridge Historical Commission

220 Morrissey Boulevard, Boston, Massachusetts 02125
(617) 727-8470 • Fax: (617) 727-5128
www.sec.state.ma.us/mhc

	Commonwealth of Massachusetts **Division of Professional Licensure** **Office of Public Safety and Inspections** **Architectural Access Board** 1000 Washington St., Suite 710 • Boston • MA • 02118 V: 617-727-0660 • www.mass.gov/aab	Docket Number (Office Use Only)

APPLICATION FOR VARIANCE

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) **Sign the certification on Page 8.**
4) **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.**
5) **Serve copies of the completed application and all attachments via electronic or physical delivery based on the recipient's preference to:**
    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.)**
6) **Complete the Service Notice included with the Application and sign it.**
7) **Deliver the completed Application and all attachments to the Board via electronic or physical delivery:**
    a. **Electronic:**
        i. **Applications should be sent via email to william.joyce@mass.gov & bradley.souders@mass.gov.**
        ii. **The email submission must have the subject line: Variance Application - <Address>, <City>**
        iii. **The application and all attachments must be in .pdf format**
        iv. **The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.**
        v. **Please submit the $50 filing fee via check or money order via mail to the mailing address listed above with either a cover letter or, "Variance - <Address>, <City>" in the memo line.**
    b. **Physical**
        i. **Applications should be sent to the mailing address listed above and must include:**
            1. **The completed application and all attachments.**
            2. **A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),**

3. **The completed and signed Service Notice.**
4. **A check or money order in the amount of $50 dollars, made out to the Commonwealth of Massachusetts.**

ii. **Please ensure that all documents included are no larger than 11" x 17".**

iii. **Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.**

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:

The Fox Club
44 JFK Street
Cambridge MA 02138

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

Fox Club Holdings LLC
PO Box 132
Kingston MA 02364
Attn: Matt Pierce, Treasurer

E-mail: treasurer@digamma.club

Telephone: 508-783-4166

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

Two-and-a-half-story plus basement (four stories per 521 CMR 5 definitions) in the Harvard Square National Historic District. Constructed in 1902 and designed by Guy Lowell, architect of the Boston Museum of Fine Arts, this is a private social club that will host occasional public events and will modify relevant portions of its facility to be made accessible to the extent feasible.

4. Total square footage of the building/facility: 10,250 GSF

Per floor: (2805 x 3)+1830

a. Total square footage of tenant space (if applicable): Not Applicable

5. What was the original year of construction for the building/facility: 1902?

6. Check the nature of the work performed or to be performed:

- ☐ New Construction
- ☒ Addition
- ☒ Reconstruction/Remodeling/Alteration
- ☐ Change of Use

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

Construct an addition to provide an accessible entrance and elevator that will serve the basement, first, and second floors to enable public access to this private club. Interior work includes provision of accessible public restrooms and other modifications to comply with 521 CMR to the extent feasible while preserving the character and features of this significant historic building.

See additional information attached.

8. Is the building or facility historically significant? ◉ Yes ○ No

a. 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 a Registered Historic District Harvard Square National Register District / July 27,1988
- ☐ Listed in the State Register of Historic Places _____
- ☐ Eligible for listing _____
  (In which registry?)

b. 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, located at 220 Morrissey Boulevard, Boston, MA 02125.

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

2.6 ☐ 3.2 ☐ 3.3.1(a) ☐ 3.3.1(b) ☐ 3.3.2 ■ 3.3.4 ☐ 3.4 ☐

10. 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:

Permit #	Date of Issuance	Value of Work
NA		

(Use additional sheets if necessary.)

11. List the anticipated construction cost for any work not yet permitted or for any relevant work which does not require a permit:

$ 3,528,000.00

12. Has a certificate of occupancy been issued for the facility? ○ Yes ◉ No

If yes, state the date it was issued: _____

13. To the best of your knowledge, has a complaint ever been filed with the AAB on this building or facility relative to accessibility? ○ Yes ◉ No

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

14. For existing buildings or facilities, state the actual assessed valuation of the **BUILDING/IMPROVEMENTS ONLY,** as recorded in the **Assessor's Office** of the municipality in which the building or facility is located: $ 481,200.00

Is the assessment at 100%? ○ Yes ◉ No

If not, what is the town's current assessment ratio? 84%

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

Design Development

16.

Request #1

Section(s) for which you are seeking relief: 25 Entrances

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☐ Test Drawings,
☐ Other(s):_____

If yes, when do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

The original front door will become the public entrance but it is not accessible. An accessible entrance will be provided in the proposed addition. Signs will direct the public to the accessible entrance. Relief is requested as follows:

25.1: Provide an accessible entrance in the addition while preserving the historic front entrance in the center of the primary facade.

See attached details describing that full compliance is impracticable because it would disrupt significant historic resources and the cost of $255,000 would be excessive without substantial benefit to persons with disabilities.

Request #2

Section(s) for which you are seeking relief: 26 Doorways

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☐ Test Drawings,
☐ Other(s):_____

If yes, when do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Several doorways cannot meet current accessibility regulations without historic loss. Relief is requested from full compliance with 521 CMR 26 maneuvering clearances to preserve historic features as follows:

26.6: Doors with non-compliant clearances will be kept open during public events or are in locations that are used primarily by members and not by the public.

See attached details describing that full compliance is impracticable because it would disrupt significant historic resources and the cost of $170,000 would be excessive without substantial benefit to persons with disabilities.

Request #3

Section(s) for which you are seeking relief: 27 Stairs

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☐ Test Drawings,
☐ Other(s):_____

If yes, when do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

The historic building has a grand staircase and other stairways that do not comply with current accessibility regulations. Relief is requested from the following portions of 521 CMR 27 to preserve historic features as follows:

27.3: Retain original nosings in front entry, grand staircase and two private stairs.
27.4.1: Retain guardrail in grand staircase and provide continuous wall-mounted rails in that stair. Retain existing railing conditions in front entry and two private stairs.

See attached details describing that full compliance is impracticable because it would disrupt significant historic resources and the cost of $410,000 would be excessive without substantial benefit to persons with disabilities.

Request #4

Section(s) for which you are seeking relief: 28 Elevators

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☐ Test Drawings,
☐ Other(s):_____

If yes, when do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

In lieu of a passenger elevator, a Limited Use / Limited Application elevator is proposed for access to the basement, first, and second floors. The third floor will remain private. The LULA requires relief from the following portions of 521 CMR 28:

28.1: LULA for access to three of four floors (third floor to remain private).
28.12.3.a: 51" x 51" cab with side door at entry level and front doors at 3 landings.

See attached details describing that full compliance is impracticable because it would disrupt significant historic resources and the cost of $610,000 would be excessive without substantial benefit to persons with disabilities.

If you require more than 4 requests, please use the *Additional Request Sheet* and complete the *Large Variance Tally Sheet*, both of which are available on the "Forms and Applications" page of the Board's website (http://www.mass.gov/aab).

17. 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:

Mills Whitaker Architects LLC
PO Box 750089
Arlington MA 02474
Attn: Don Mills

E-mail: donmills@millswhitaker.com

Telephone: 617-283-5377

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

Brandon Vigneault, Building Inspector
Inspectional Services Department
831 Massachusetts Avenue #1
Cambridge MA 02139

E-mail: bvigneault@cambridgema.gov

Telephone: 617-349-9715

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION AND SUPPORTING DOCUMENTATION IS TRUE AND CORRECT

Date: 6/8/23



Signature of owner or authorized agent *(required)*

PLEASE PRINT:

Don Mills / Owner's Agent & Architect

Name

Mills Whitaker Architects LLC

Organization (If Applicable)

PO Box 750089

Address

Address 2 (optional)

Arlington MA 02475

City/Town State Zip Code

donmills@millswhitaker.com

E-mail

617-283-5377

Telephone

AAB 165

SERVICE NOTICE

I, Don Mills / Mills Whitaker Architects LLC, as Owner's Agent & Architect
(Name) (Relationship to the applicant)

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:

	NAME AND ADDRESS OF PERSON OR AGENCY SERVED	METHOD OF SERVICE	DATE OF SERVICE
1 **Building Department**	Inspectional Services Department 831 Massachusetts Avenue #1 Cambridge MA 02139	via email	6/9/23
2 **Local Commission on Disability** (If Applicable)	Commission for Persons w/ Disabilities 51 Inman Street Cambridge MA 02139	via email	6/9/23
3 **Independent Living Center**	Boston Center for Independent Living 60 Temple Place Boston MA 02111	via email	6/9/23



Signature

9 June 2023

Date

DocuSign Envelope ID: BFD77FA9-C586-47A6-A11B-85DCC1CA66BD

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission - State Historic Preservation Office

The Americans with Disabilities Act Consultation Process Form

Name of Property: Fox Club

Address of Property: Street: 44 JFK Street

City: Cambridge County: Middlesex State: MA Zip: 02138

Historic Designation/Status/Listing:

☐ National Historic Landmark — Date of Listing _____

☐ Listed Individually in National Register of Historic Places — Date of Listing _____

☐ Located in registered historic district (specify Harvard Square Nat'l) — Date of Listing 07/27/1988

☐ Listed in State Register of Historic Places — Date of Listing _____

☐ Eligible for listing (prepare and submit MHC inventory form, attach to application)

Project Contact:

Name: Don Mills / Mills Whitaker Architects LLC

Street: PO Box 750089 City: Arlington

State: MA Zip: 02475 Daytime Telephone Number: 617-283-5377

Property Owner:

Name: Fox Club Holdings LLC

Street: PO Box 132 City: Kingston

State: MA Zip: 02364 Daytime Telephone Number: 508-783-4166

Signature: Matthew V. Pierce

Consultation with individuals with disabilities and their organizations:

Name: Kate Thurman, Disability Project Coordinator

Organization: Cambridge Commission for Persons with Disabilities

Street: 51 Inman Street / 2nd Floor City: Cambridge

State: MA Zip: 02139 Daytime Telephone Number: 617-349-4692

Signature: Kate Thurman

Attach comments to form.

Consultation with local historical commission

Name: Charles Sullivan / Executive Director

Organization: Cambridge Historical Commission

Street: 831 Massachusetts Ave / 2nd Floor City: Cambridge

State: MA Zip: 02139 Daytime Telephone Number: 617-349-4683

Attach comments to form.

Describe major significant architectural features of property. Include the overall shape of the building, its materials, craftsmanship, decorative details, interior space and features, as well as various aspects of its site and environment.

Designed in 1902 by Guy Lowell, the Fox Club contains elements of Colonial Revival and Beaux Arts. Located at the corner of Mt. Auburn & JFK Streets, exterior features include rectangular massing, dormered hip roof, classical eaves, symmetrical entrance, stone plinth, fluted corner pilasters with Ionic capitals, clapboards at front/rear facades with brick end walls. Interior features include a circular foyer, grand staircase, paneled doors, and unique gathering spaces.

Explain why applying the General Requirements for Barrier Free Access would threaten or destroy the historic significance of the property.

Architectural feature(s): Preserve facade, massing, details, & features by limiting alterations and minimizing size of addition.

Approximate date(s) of feature(s): Features date from the original construction in 1902 as designed by architect Guy Lowell.

Describe existing condition(s): Interior & exterior historic fabric has been very well maintained and is in good condition.

Describe the proposed alternative Barrier Free Access solution under the Special Rule [4.1.793)]. Include photographs, drawings, and all pertinent information to assist us in our review.

Four variances from 521 CMR are requested in an application to the MAAB to preserve the integrity of the historic building. Request #1: Provide an accessible entrance in an addition to preserve the central entrance. Request #2: Preserve grand stairs. Request #3: Preserve interior door clearances. Request #4: Provide a LULA elevator to minimize impact to building massing.

DATE: 8 June 2023

FACILITY: **FOX CLUB**
44 JFK Street
Cambridge MA 02138

SUBJECT: 521 CMR Variance Application
MHC ADA Consultation Process Form

ENCLOSED: ATTACHMENTS TO VARIANCE APPLICATION

The MAAB Variance Application (9 pp.) and MHC ADA Consultation Process Form (2 pp.) outline the basis for a proposed renovation and addition at the historic 1902 Fox Club in the Harvard Square National Register Historic District. This attachment provides supplemental information to provide details, rationale, and estimated costs for full compliance in support of the variance requests as listed in the application. This attachment includes the following:

SECTION A: **PROJECT DESCRIPTION**
Narrative Summary of Scope
Photographs & Drawings

SECTION B: **521 CMR 25: ENTRANCES**
Variance Request #1

SECTION C: **521 CMR 26: DOORWAYS**
Variance Request #2

SECTION D: **521 CMR 27: STAIRS**
Variance Request #3

SECTION E: **521 CMR 28: ELEVATORS**
Variance Request #4

SECTION F: **SUPPORTING DOCUMENTS**
Cambridge Historical Commission
Fox Club – Public Use Policy

The intent of this project is to provide accessibility improvements that will enable this private social club to host occasional public events so that the significant nature of this historic facility can be showcased beyond the confines of its membership.

P.O. Box 750089
Arlington MA 02475
617.876.7611 voice
617.876.6420 fax

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION A: PROJECT DESCRIPTION

Renovations and an addition are proposed for the historic Fox Club at 44 JFK. The Fox Club has been a private club since its founding in 1898 and its construction in 1902. The facility was designed by architect Guy Lowell who is known for the Boston Museum of Fine Arts and other prominent buildings in the region. Due to its legacy with the architect's work and history of the club's members, the club intends to host periodic events that invite the public into the facility. To extend invitations, the building must meet accessibility requirements in areas opened to public events while preserving the building's historic character and features.

Renovation of this building will preserve and upgrade the facility for accessibility, energy efficiency, enhanced functionality, and improved life safety. The primary entrance from JFK Street cannot be adapted into an accessible entrance without major disruption of the historic character of the building, so an addition is proposed on the south side near the main entrance. The configuration and location of the addition will provide an accessible entrance, an elevator, and replace the back stair to allow safe access and egress for persons of all abilities. Respect for original design elements will be echoed in the addition to compliment the historic building while minimizing its massing in relation to the existing structure.

Other relevant improvements that will be incorporated into the renovation include:

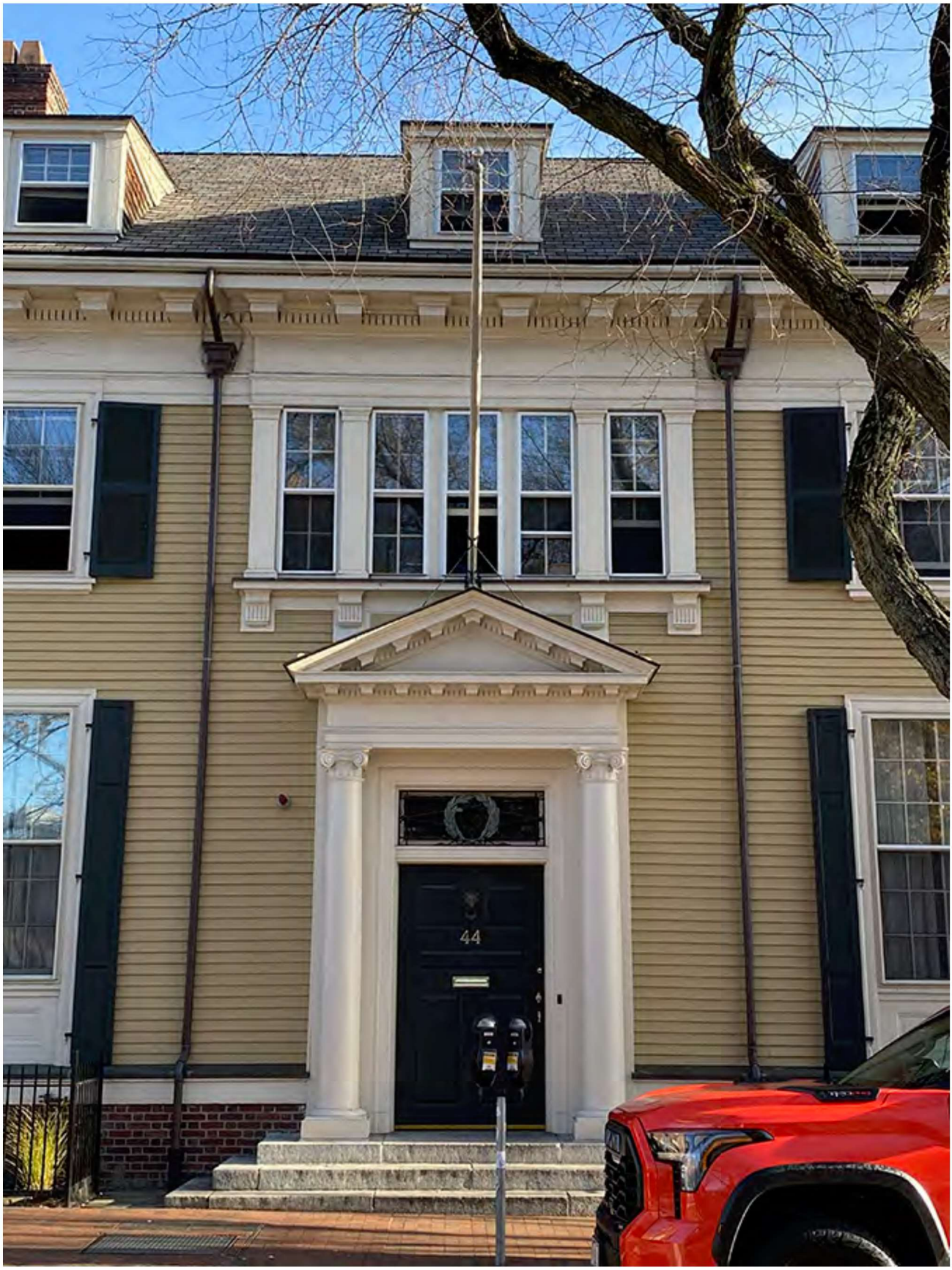
- Provision of an accessible route to the outdoor courtyard.
- Construction of accessible toilet rooms in areas of public events.
- Reshaping original interior door thresholds for floor level compliance.
- Replacement of doorknobs in public areas with appropriate lever handles.
- Install automatic sprinklers and upgrade fire alarm system to meet current codes.
- Provision of signage to support public access and way finding.
- Other accessibility provisions for full compliance that do not require variances.

Enclosed are a selection of captioned photographs, existing/proposed floor plans, site plan, and existing/proposed exterior elevations. More details and descriptions of selected areas are given in the subsequent sections addressing each variance request. In the proposed floor plans and elevations, symbols indicate specific locations of variance requests as follows:

VR #1 – Variance Request #1 / 521 CMR 25 Entrances (Cost = $255,000)
VR #2 – Variance Request #2 / 521 CMR 26 Doorways (Cost = $170,000)
VR #3 – Variance Request #3 / 521 CMR 27 Stairs (Cost = $410,000)
VR #4 – Variance Request #4 / 521 CMR 28 Elevators (Cost = $610,000)

It is the applicant's belief that the cost of $1,455,000 for full compliance is excessive without substantial benefit to persons with disabilities and would greatly impact historic features.

The Fox Club is a contributing structure in the Harvard Square National Historic District and the Harvard Square Conservation District. The project has been reviewed and unanimously approved by the Cambridge Historical Commission. Also, staff of the Cambridge Commission for Persons with Disabilities provided input and expressed support for the project.



Original Entrance to Fox Club on Primary Facade
Will Be Designated as "Public" for Hosted Events

220216-IMG_0819.JPG



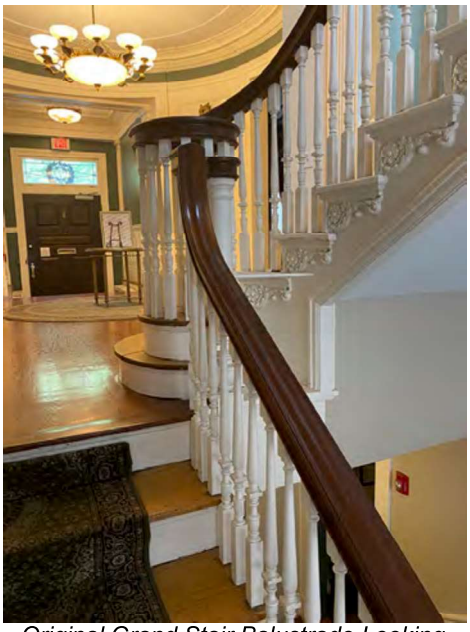
Three Steps Up to Public Entrance and Limited Depth Between Sidewalk and Facade Does Not Allow Space for an Accessible Ramp

230425-IMG_0718.JPG



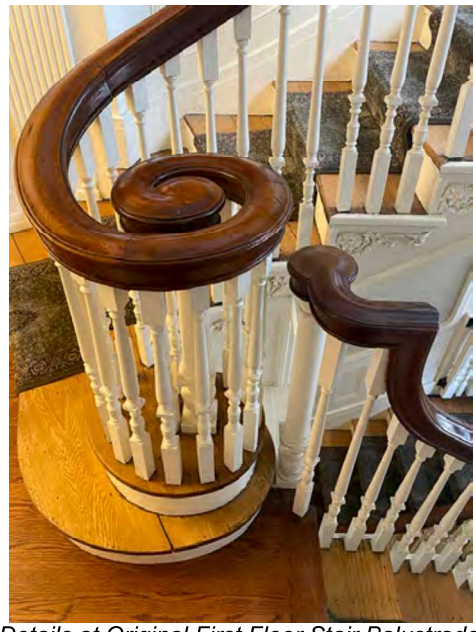
Five Stairs Up from Central Entrance to Foyer; First Floor Level is 48" Above Sidewalk Grade

220718-IMG_1840.JPG



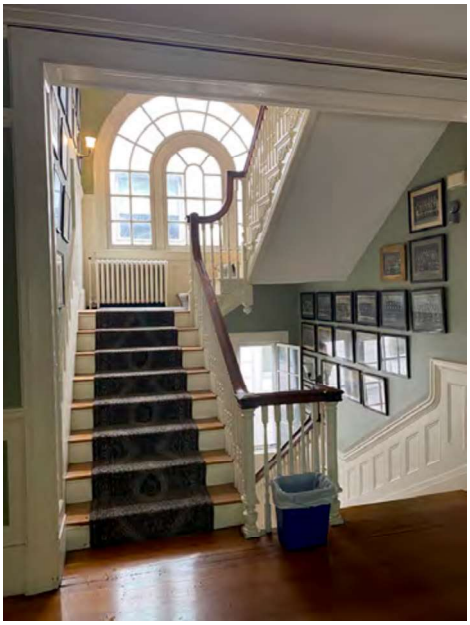
Original Grand Stair Balustrade Looking Toward Foyer and Central Entrance

220718-IMG_1841.JPG



Details at Original First Floor Stair Balustrade of 1902 Grand Staircase Adjacent to Foyer

220718-IMG_1851.JPG



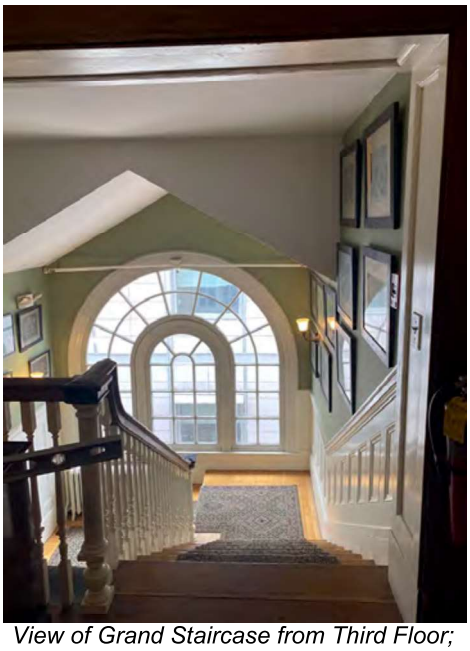
Grand Stairway at Second Floor Looking East; Continuous Wall Mounted Handrails Proposed at the Perimeter Wood Wainscoting

230425-IMG_0707.JPG



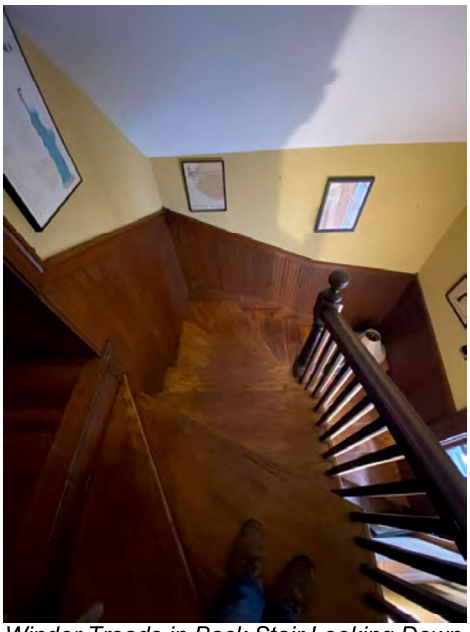
Detail of Stair Risers, Carved Stringers, Newel Posts, Drop Finials, and Balusters

220718-IMG_1844.JPG



View of Grand Staircase from Third Floor; This Upper Level to Remain Private

220718-IMG_1848.JPG



Winder Treads in Back Stair Looking Down from Third Floor; Stair to be Removed and New Code-Compliant Stair to be Provided in Addition



Proposed Addition for Accessible Entrance, Elevator, & Stairs
Behind Garden Wall in Sideyard Between Fox Club & Adjacent Building

220216-IMG_0828.JPG



Garden Wall at JFK Street with Wooden Gate and Low Metal Fence; South Facade Beyond and Proposed Location of the Addition

221202-IMG_3080.JPG



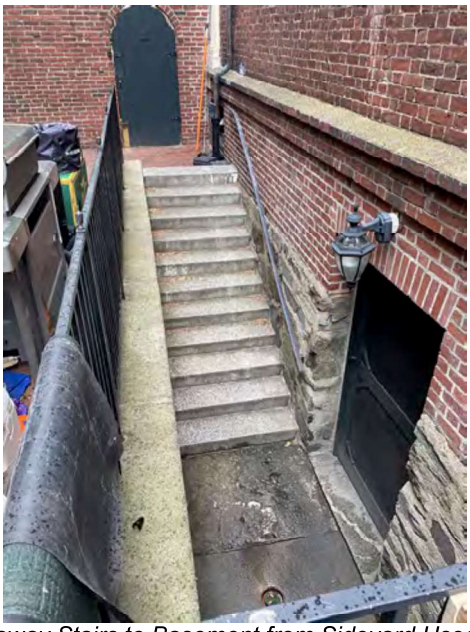
Swinging Gate in Fence at Property Line; Existing Wooden Gate in Garden Wall

220718-IMG_1856.JPG



Sideyard Looking Toward Garden Wall & JFK Street; Location of Proposed Addition for Accessible Entrance, Stairs, and Elevator

220718-IMG_1857.JPG



Areaway Stairs to Basement from Sideyard Used as Service Entrance & Egress; Gate at Garden Wall Beyond



The Fox Club Renovations • 44 JFK Street, Harvard Square

PRESIDENT & FELLOWS
OF HARVARD COLLEGE
DEED BOOK 17707 PAGE 246

PRESIDENT & FELLOWS
OF HARVARD COLLEGE
DEED BOOK 17707 PAGE 246

4 STORY
"ARCHITECTURAL FINISH" BUILDING
(OVERHANGS ARE NOT SHOWN)

S29°55'03"W
LS 26.05' (C)
26'(R)

S57°17'49"E
15.15'

R=33.47
S30°15'56"W
65.77'

S62°25'18"E
53.78'

R=33.35
SUMP=29.5
DRY WELL
INVERTS
NOT VISIBLE

DRYWELL
R=32.86
SUMP=25.9
N.P.V

AREA
5,317± S.F.(R)
5,314± S.F.(C)

CONC. ACCENTS
BRICK PATIO
BRICK WALL W/ METAL FENCE
WOOD DOOR
BRICK PATIO
BRICK STEPS
GRAN. CAP
HVAC
WOOD THRESHOLD
37.24
WOOD CORNICE
DS
EAVE/OVERHANG(TYP.)
WINDOW WELL (TYP.)
WOOD CORNICE
GRAN. CAPPED WALL
R=26.53
GRANITE THRESHOLD
26.91
GRAN. STEPS
BAY WINDOW
PERIMETER BELT COURSE (TYP.)
COR. WOOD CORNICE
WINDOW WELL GRAN. EDGE
PERIMETER BELT COURSE (TYP.)
OVERHEAD LIGHTS/CAMERA
BRICK PATIO
6' WOOD
OHW
LS
COR. BRICK BUILDING 0.1' BACK
TARTARIAN LLC
DEED BOOK 59506 PAGE 498

Right Side of the Addition:
Basement + First Floor with Low Roof over Addition;
Provides Accessible Entrance & Route from JFK Street

ELEV.
LOW ROOF
STAIR
R=26.6
INVERTS
NOT VISIBLE
GRANITE THRESHOLD
GRAN. STEPS
3' METAL
BRICK WALL
70.90' N58°05'31"W
LANDING 33.1
VENT ON BLDG. FACE
VENT
WINDOW WELL
COR. WOOD CORNICE
DOOR 33.3
BRICK WALL W/ METAL FENCE
R=32.41
INVERTS
NOT VISIBLE
COR. BRICK BUILDING 0.1' BACK
87.95
N31°28'29"E
8"M
#1
#2

2 1/2 STORY
BRICK & WOOD
BUILDING
"THE FOX CLUB IN
HARVARD SQUARE"
#46

Left Side of the Addition:
Basement to Third Floor for Small LULA Elevator and New Stair to Replace Existing

4 STORY
BRICK BUILDING
#46

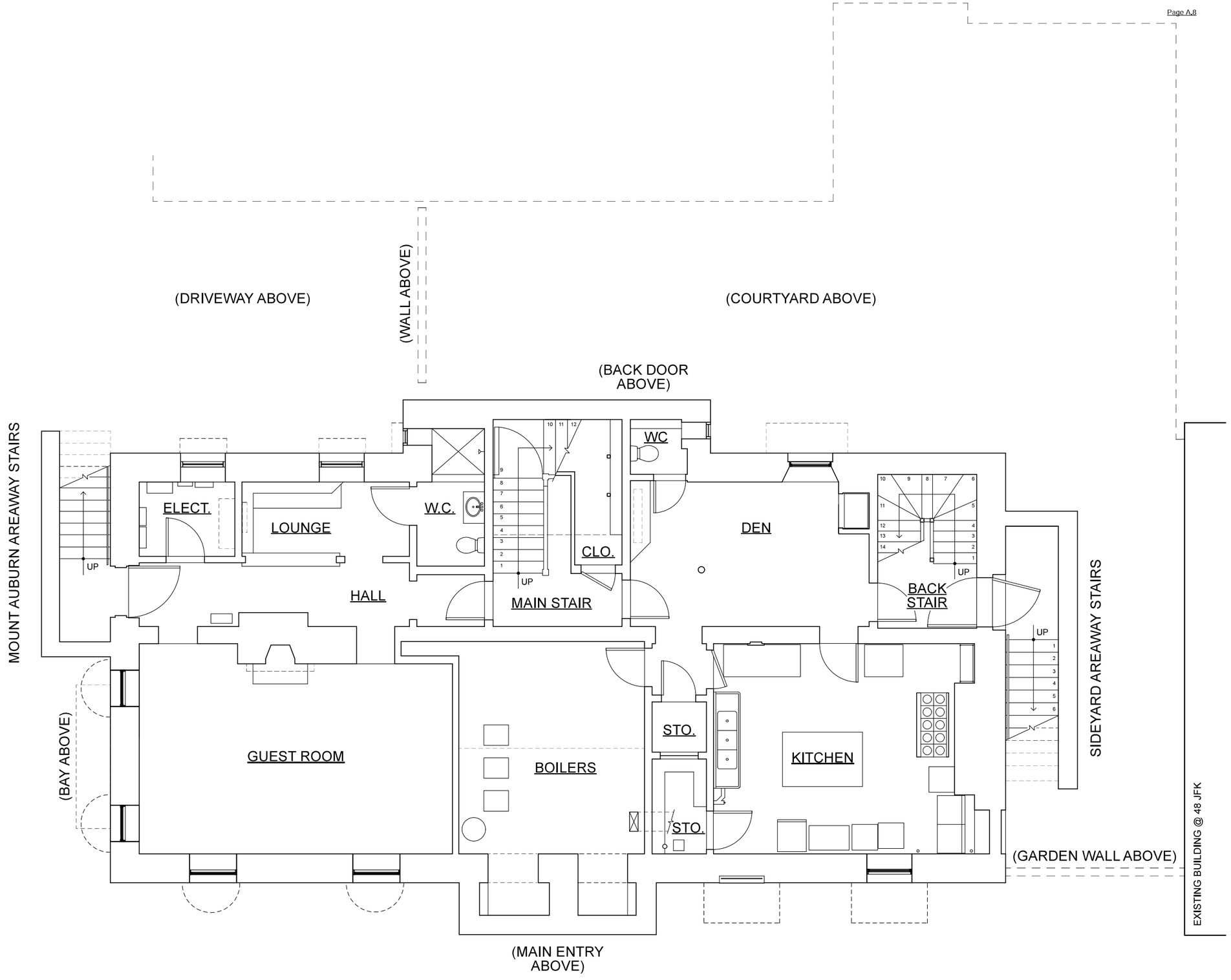
MT. AUBURN STREET
(PUBLIC–50' WIDTH)

JFK STREET
(FORMERLY BOYLSTON STREET)
(PUBLIC–60' WIDTH)

CONC. PAD
PEDESTRIAN SIGNAL
UTILITY VAULT HATCHES
TACTILE MAT
BRICK SIDEWALK
ELECTRIC
SMH
R=33.49
INV.=23.9
SMH(R)
MBTA ELECTRIC
R=33.91
R=33.78
R=33.77
R=33.49

× 33.8 SPOT ELE
32.4 12"M PROMINEN WITH ELEV
LIGHT POL
SMH SEWER MA
DMH DRAIN MA
CB CATCH BA
CU CONNECTIO
BOLLARD
SIGN
MANHOLE
PARKING
TACTILE M
PEDESTRIA
VGC VERTICAL
DS DOWNSPOU
HC HOSE CON
LS LANDSCAP
AD AREA DRA
CS COMBINED
N.P.V NO PIPE
GRAN. GRANITE
TW TOP OF W
ABOVE GR
MBTA MASSACHU

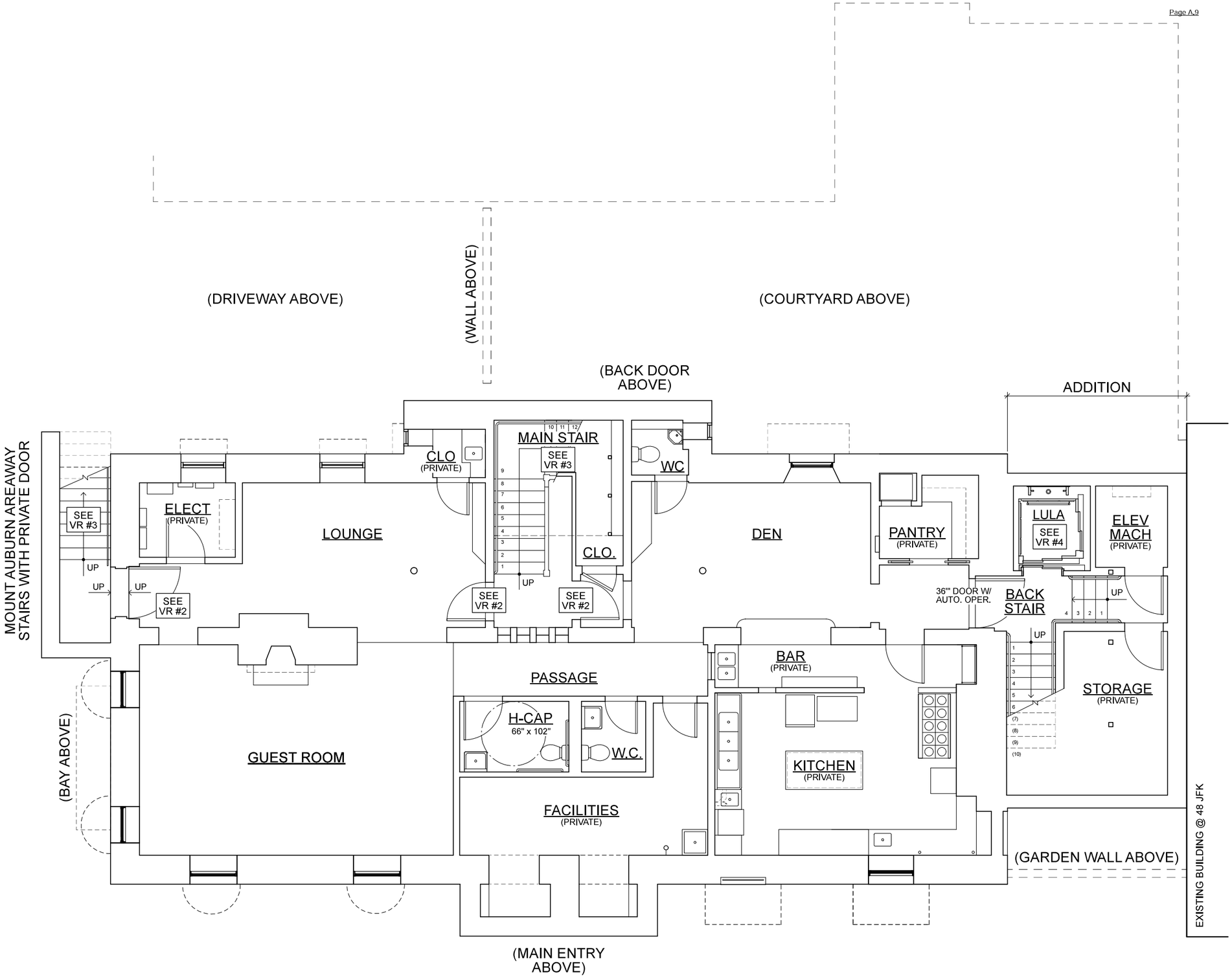
AAB 177



EXISTING BASEMENT PLAN

0' 4' 8' 16' N

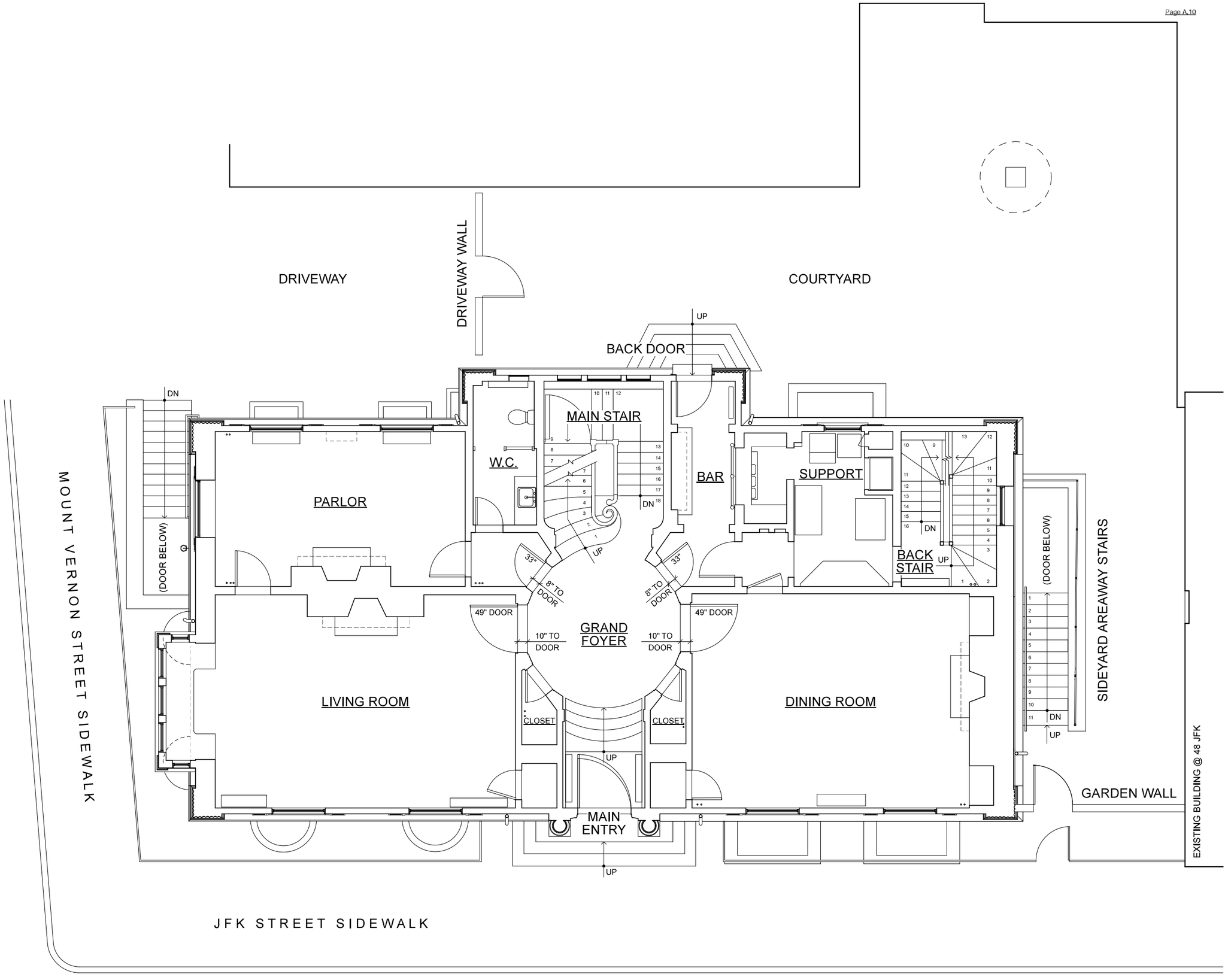
AAB 178



PROPOSED BASEMENT PLAN

0' 4' 8' 16' N

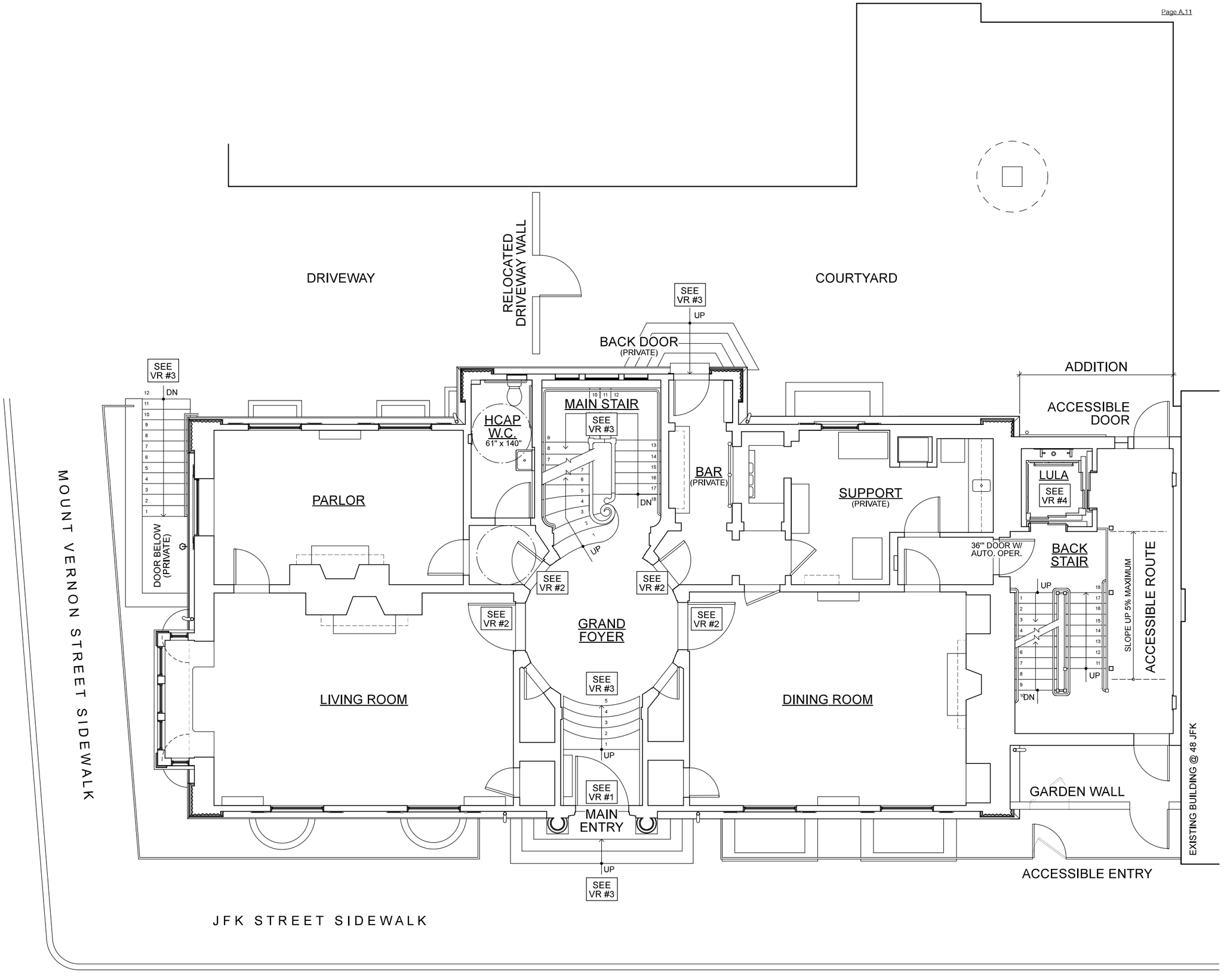
AAB 179



EXISTING FIRST FLOOR PLAN

0' 4' 8' 16' N

AAB 180



PROPOSED FIRST FLOOR PLAN

0' 4' 8' 16' N

AAB 181

(DRIVEWAY BELOW)

(WALL BELOW)

(COURTYARD BELOW)

LIBRARY

W.C.

MAIN STAIR

CLO.

OFFICE

BACK STAIR

UP

DN

UP

DN

BILLIARDS

GREAT HALL

GARDEN WALL BELOW

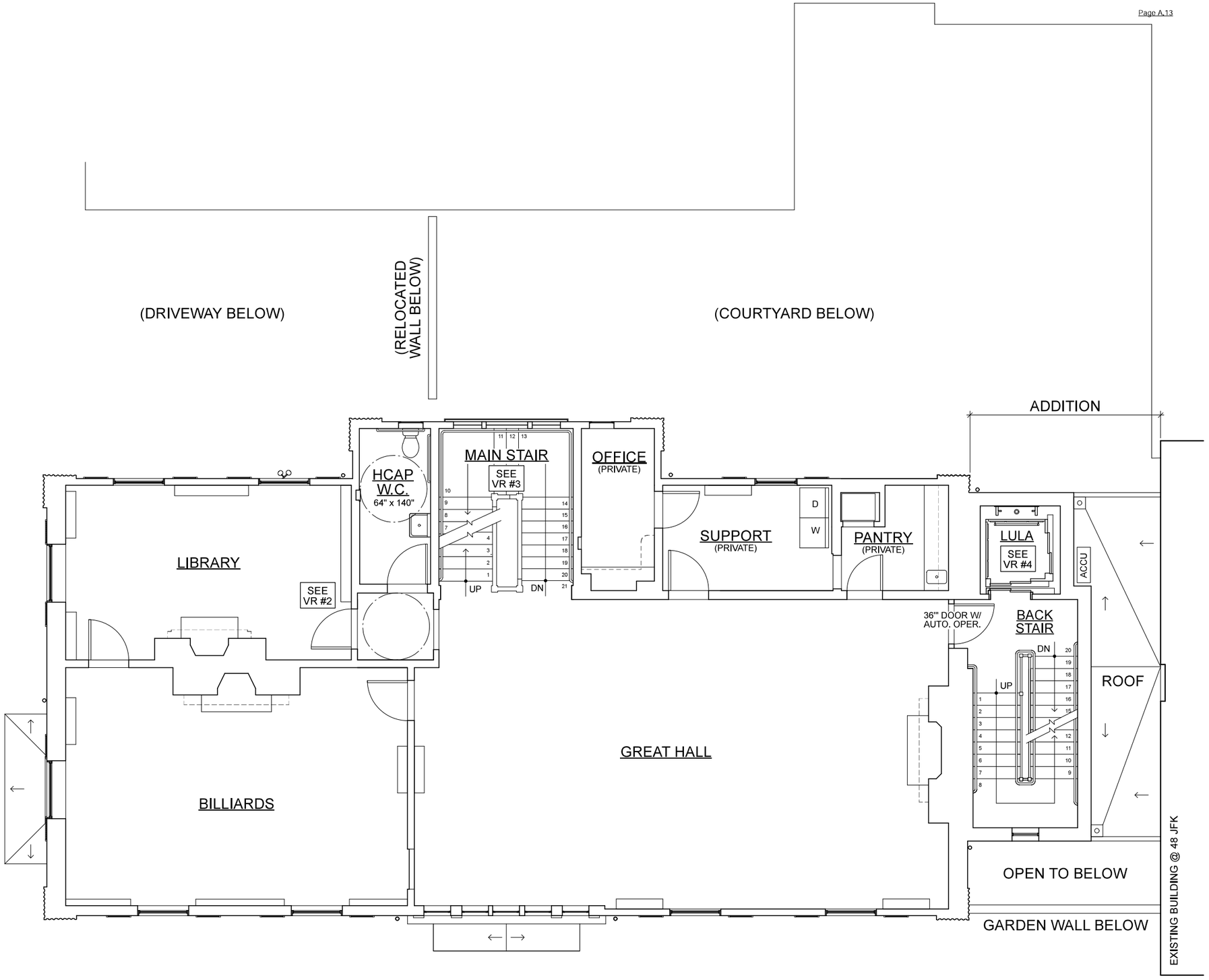
EXISTING BUILDING @ 48 JFK

EXISTING SECOND FLOOR PLAN

0' 4' 8' 16'

N

AAB 182

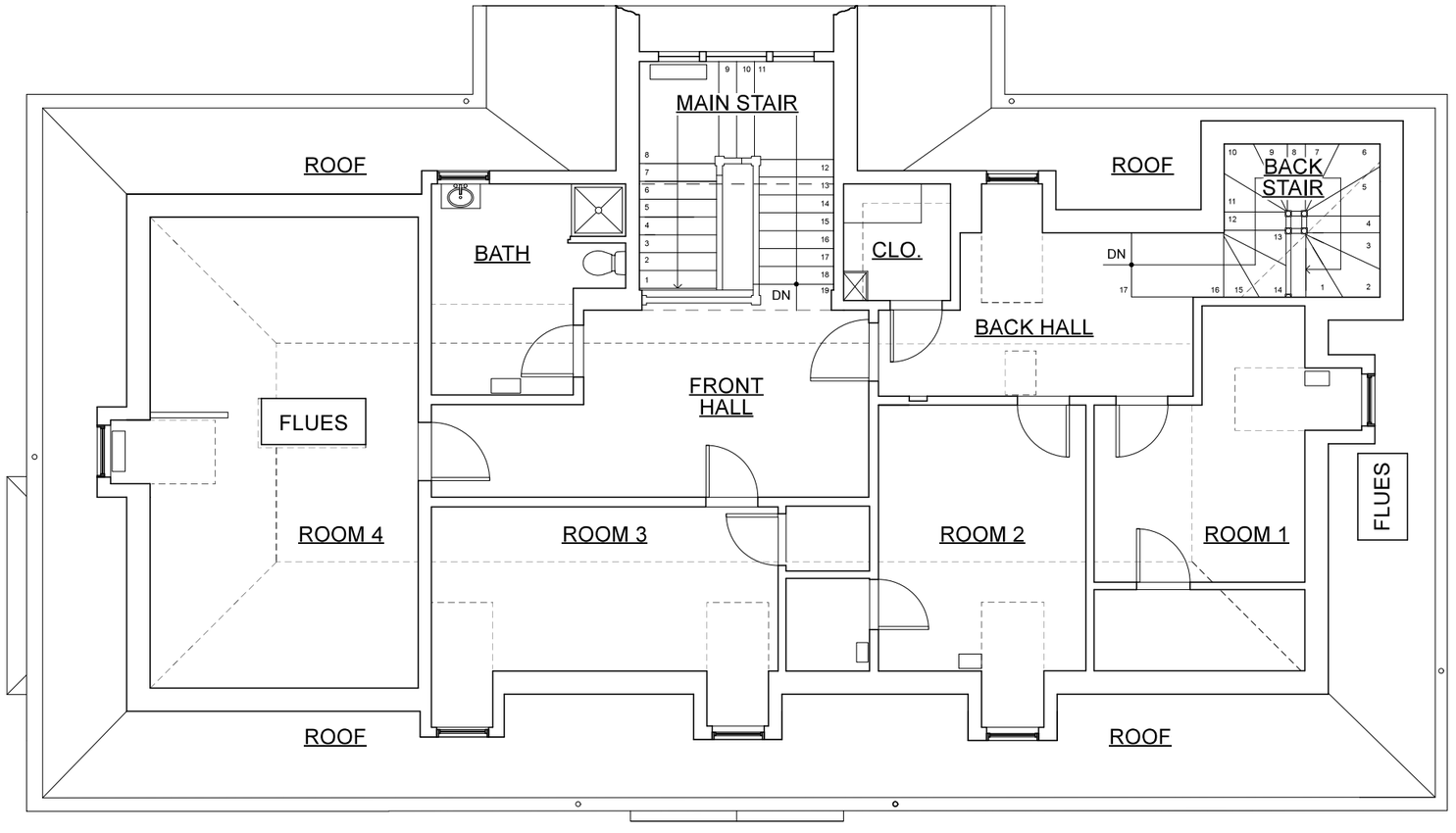


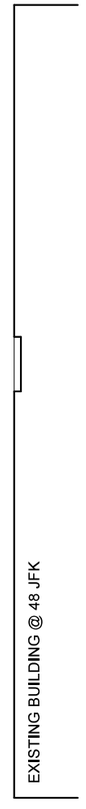
PROPOSED SECOND FLOOR PLAN

0' 4' 8' 16'

N

AAB 183

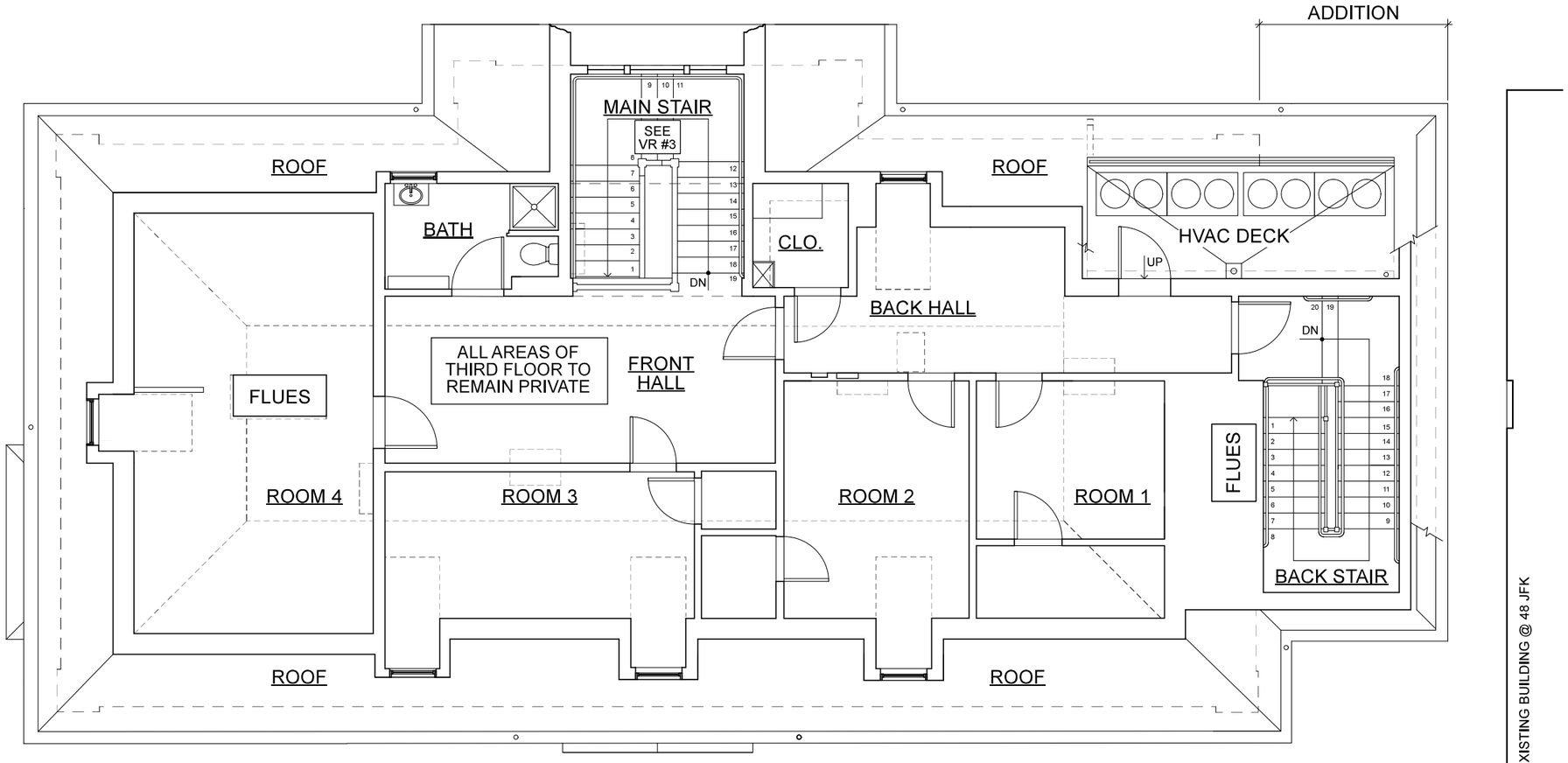




EXISTING THIRD FLOOR PLAN (PRIVATE)

0' 4' 8' 16' N

AAB 184



PROPOSED THIRD FLOOR PLAN (PRIVATE)

0' 4' 8' 16' N

AAB 185

EXISTING BUILDING @ 48 JFK

3

2

1

B

GARDEN WALL

MAIN ENTRY

EXISTING WEST EXTERIOR ELEVATION (JFK FACADE)

0' 4' 8' 16'

AAB 186

EXISTING BUILDING @ 48 JFK

3

2

1

B

MAIN ENTRY
(PUBLIC)

SEE VR #1

SEE VR #3

ADDITION: ENTRY + ELEVATOR + STAIRS

(BSMT. ELEV. 26.89')

(STO. ELEV. 24.56')

PROPOSED WEST EXTERIOR ELEVATION (JFK FACADE)

0' 4' 8' 16'

AAB 187

EXISTING BUILDING @ 48 JFK



EXISTING EAST EXTERIOR ELEVATION (COURTYARD FACADE)

0' 4' 8' 16'

AAB 188

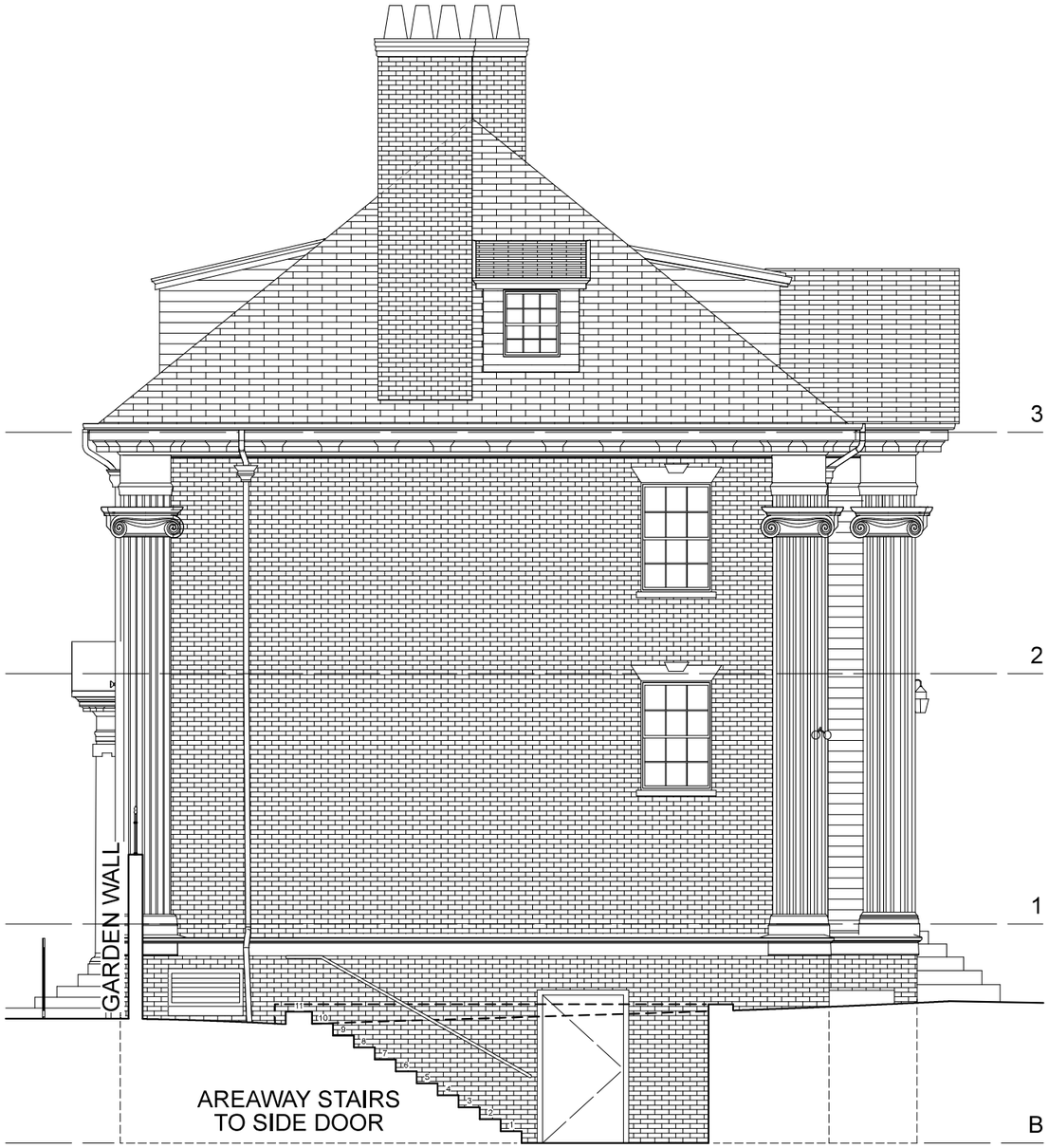
EXISTING BUILDING @ 48 JFK



PROPOSED EAST EXTERIOR ELEVATION (COURTYARD FACADE)

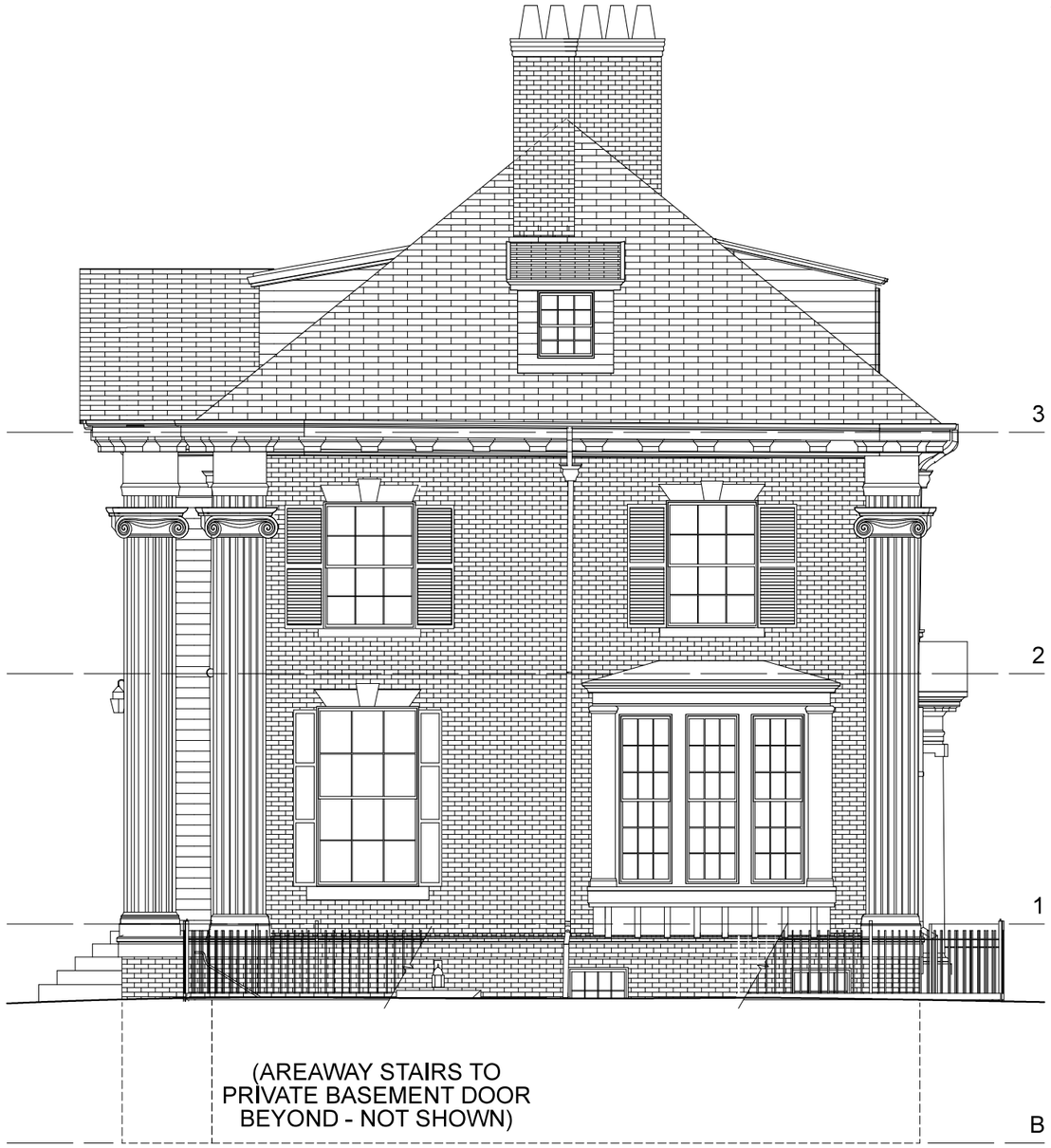
0' 4' 8' 16'

AAB 189



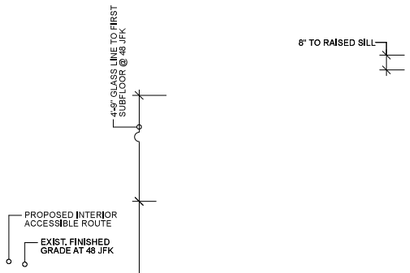
0' 4' 8' 16'

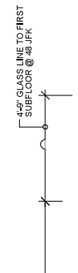
EXISTING SOUTH EXTERIOR ELEVATION (SIDEYARD FACADE)



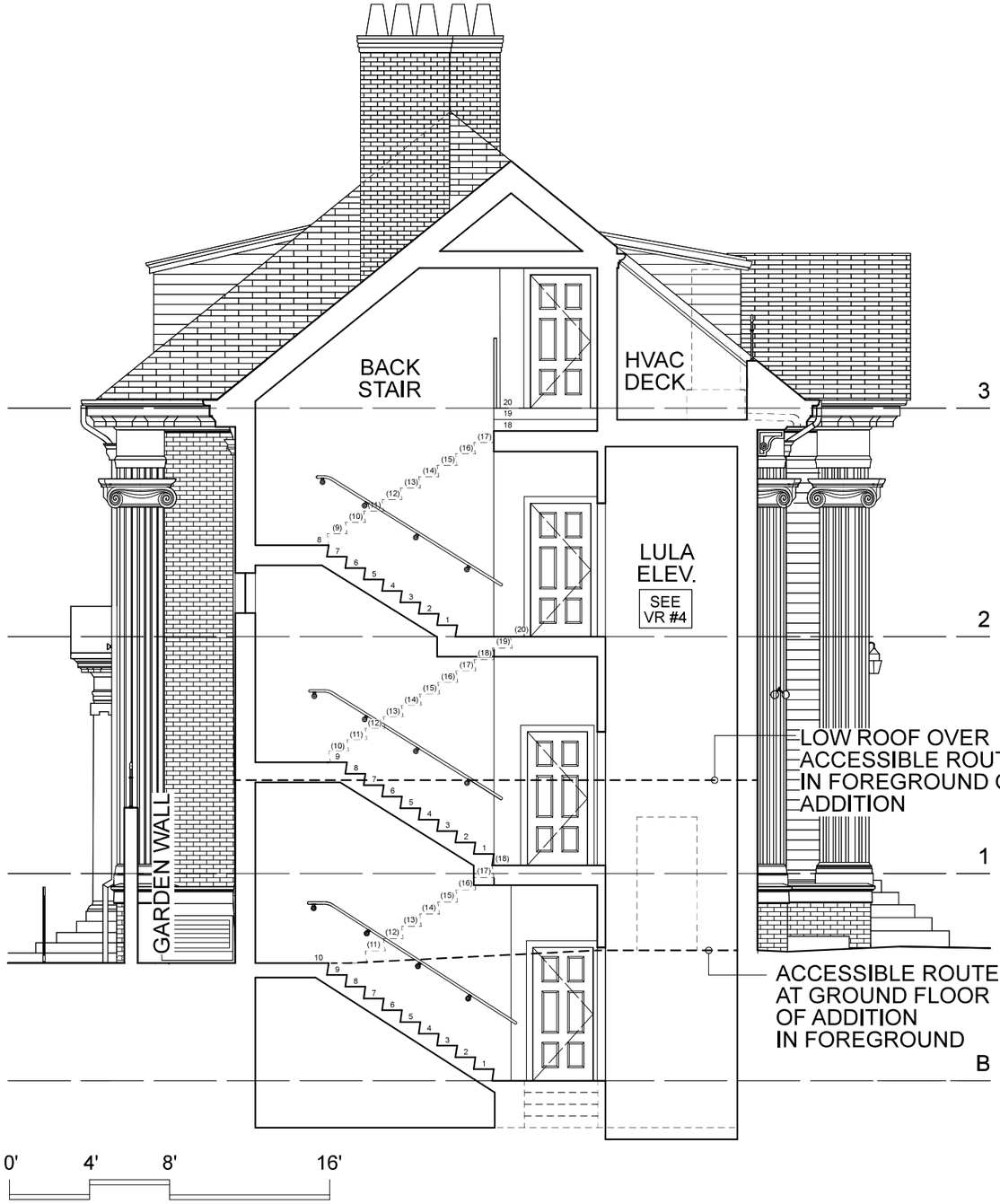
0' 4' 8' 16'

EXISTING NORTH EXTERIOR ELEVATION (MT. AUBURN FACADE)

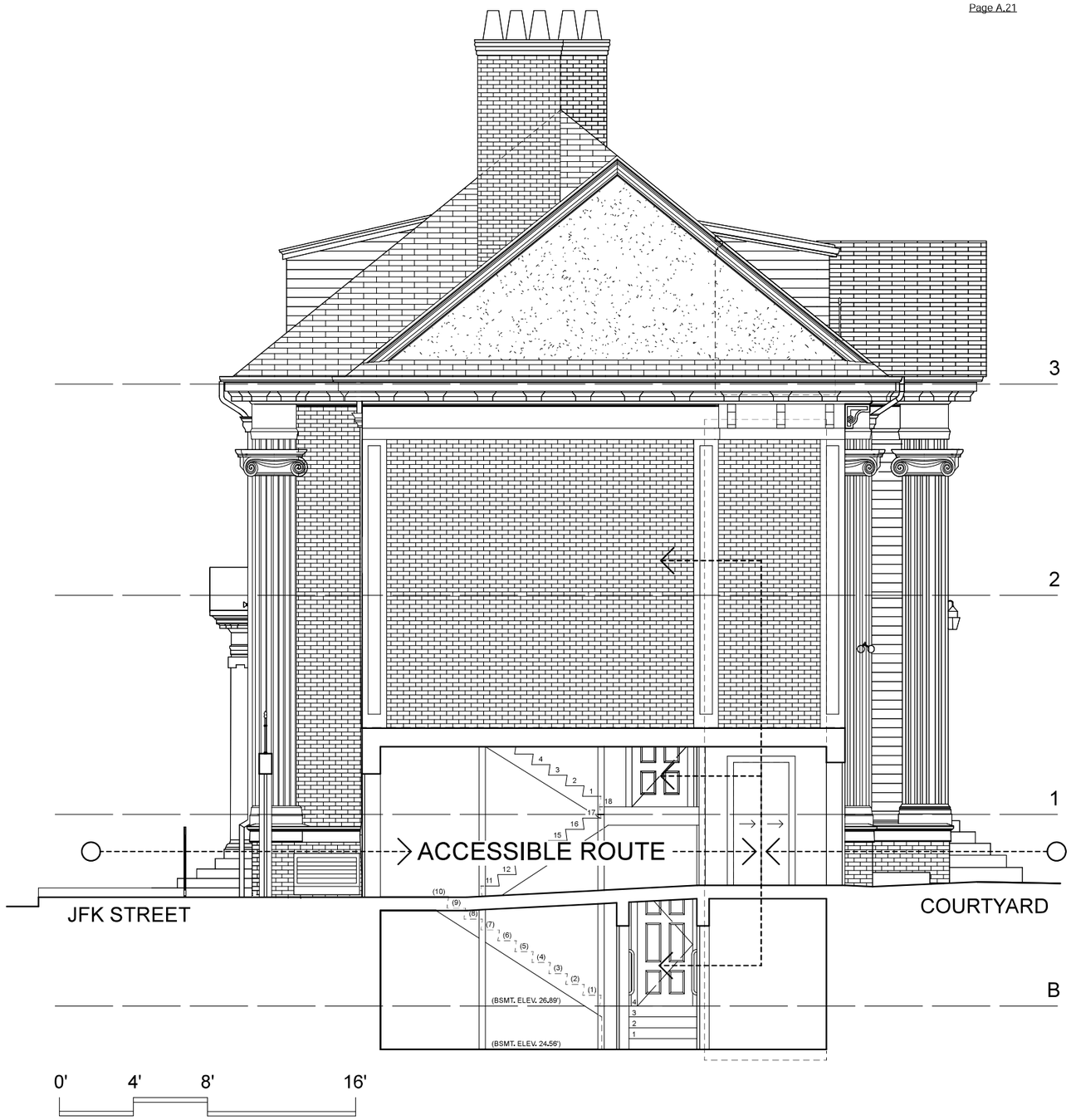




AAB 190



PROPOSED SECTION THRU STAIRS & ELEVATOR



PROPOSED SOUTH ELEVATION & ACCESSIBLE ROUTE

AAB 191

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION B: 521 CMR 25: ENTRANCES

521 CMR 25.1 requires each public entrance to be accessible. At present, since this is a private club, all entrances are private. Existing exterior doors at the facility are as follows:

1. Main Entrance / JFK Street: this door will be designated as the public entrance.
2. Side Door / Mt. Auburn Street: this basement door at the areaway stairs will remain private for members only and will not be offered as an entrance to the public.
3. Back Door / Courtyard: this door is a private route to the bar and support area of the building's interior and will remain private during hosted public events.
4. Side Door / Courtyard: this door at the bottom of the south areaway stairs will become an interior door associated with the proposed accessible addition.

For hosted public events, the original entrance on the front façade will become the primary public entrance, but that entrance is not accessible and cannot be made so without significant disruption to historic features. The entrance consists of three exterior steps leading to the original door, a flush threshold at the door, an interior landing followed by five steps up to the first floor. The difference in grade between the sidewalk and first floor is 48". The front façade is setback less than 48" from the sidewalk, so an exterior ramp is not feasible. To make the front entrance accessible, the following work would be required:

- Remove three original pyramidal stone steps at the exterior entrance stoop.
- Lower door and threshold elevation at the entrance to meet grade.
- Extend column plinths to new grade and increase height of door transom.
- Lower the interior landing upon entry to meet finished grade of the exterior.
- Construct interior foyer stairs for the 48" rise to the first finished floor.
- Provide a vertical wheelchair lift with 90-degree door configuration for access.
- Replace two oversized 49" doors in the foyer with 36" doors due to disruptions.
- Significantly alter the historic character of the original circular Grand Foyer.

In lieu of disrupting the historic entrance and foyer, an addition is proposed on the south side of the building with an accessible entrance from JFK Street. A sign at the main entrance will direct visitors to the accessible entrance.[1] The addition will include an accessible route from JFK Street to the outdoor courtyard space, an elevator for vertical access, and a reconstructed stair to replace the existing winder stairway. The addition provides extensive functionality for meeting overall accessibility requirements for the facility while supporting the historic integrity of the building.

The cost of making the front entrance accessible is $255,000 and disrupts historic character. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities, especially since the proposed addition provides multiple advantages for accessibility that extend well beyond the public entrance component.

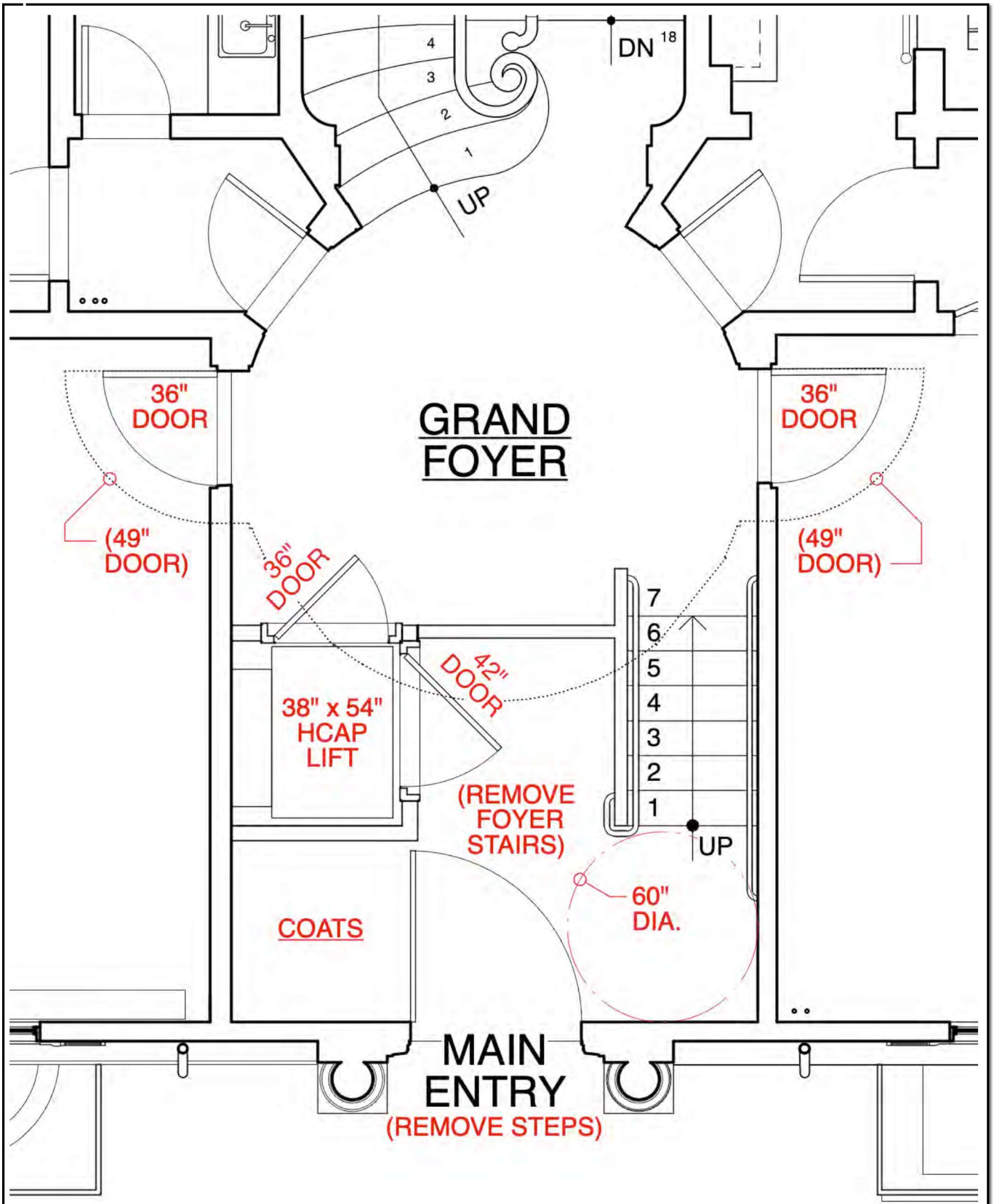
[1] Two other exterior signs will be provided for accessible entry to the building: one at the top of the areaway stairs leading down to the private basement entrance on Mt. Vernon Street, and another in the courtyard at the private back door to the bar and support areas directing to the accessible back courtyard door in the addition.



Three Steps Up to Public Entrance and Limited Depth Between Sidewalk and Facade Does Not Allow Space for an Accessible Ramp



Five Steps Up from Central Entrance to Grand Foyer;
First Floor Level is 48" Above Sidewalk Grade



Work Scope if Historic Front Entrance Were to be Made Accessible
Requires Removal of Significant Character-Defining Historic Features



Proposed Accessible Entrance at Addition to the South of Historic Main Entrance on JFK Street

Request #1: COST of FULL COMPLIANCE to 521 CMR 25 ENTRANCES	
25.1: MODIFICATION OF FRONT ENTRANCE FOR ACCESSIBILITY	
$16,000	Remove Exterior Steps and Replace/Waterproof Slab Above Basement
$11,500	Lower Threshold and Door at Entrance to Meet Grade at Exterior Wall
$4,500	Extend Door Surround Columns with Extended Plinths to Meet Grade
$12,000	Replace Decorative Transom Sash and Bar with Taller Custom Version
$17,000	Remove Interior Stairs and Floor Framing; Reframe for Reconfiguration
$25,000	Provide Replacement Interior Stairs, Guards, and Railings to First Floor
$22,500	Replace Two Oversized 49" Wide Original Foyer Doors & Frames
$40,000	Provide Vertical Wheelchair Lift with Two Doors Over Recessed Floor
$15,500	Modify HVAC Units in Entry Area and Provide Power to Vertical Lift
$25,000	Railings, Finishes, Lighting, and Associated Miscellaneous Modifications
$189,000	Subtotal of Estimated Direct Trade Costs
$66,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$255,000	**Estimated Project Cost for Full Compliance at South Entrances**

Estimated Cost of Full Compliance for Conversion of Historic Entrance to an Accessible Entrance

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION C: 521 CMR 26: DOORWAYS / Variance Request #2

521 CMR 26.1 requires doors along accessible routes to comply with all provisions of this section of the regulations. The following improvements and upgrades to existing doors will be implemented such that they will not require any variance requests:

- Two doors with less than 32" clear width when open will receive swing-clear hinges.
- Three doors in the addition stair will receive automatic opening devices due to the limitations in the connection from the existing building.
- The accessible entrance from the front will receive an automatic opening device since it is in series with the outer garden wall wooden gate but has limited depth.
- Original wood thresholds will be re-shaped to comply with floor level requirements.
- Doorknobs will be replaced with period-appropriate lever handles for operability.

Variances are requested from 521 CMR 26.6 to address maneuverability issues related to eight doors located in four areas of the historic facility as described below.

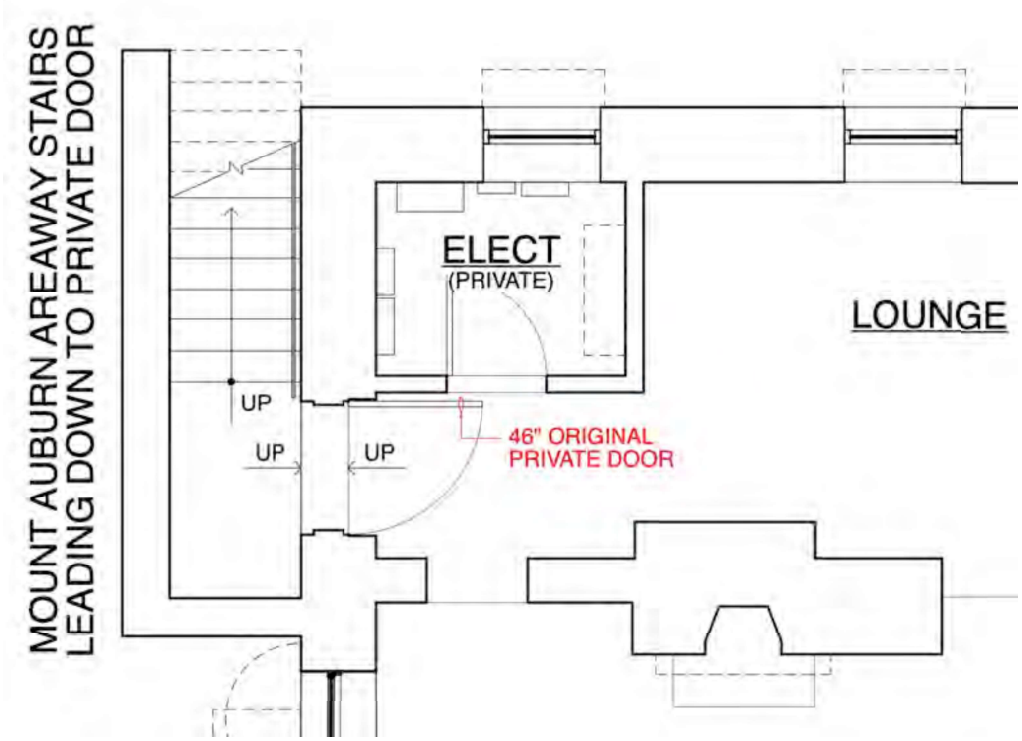
Basement / Mt. Auburn Private Door: An oversized 46" original wood door is in the north façade at the base of areaway stairs. This is a members-only private entrance and, while not part of an accessible route for the public per se, it does serve as a second means of egress from the basement. Relief from installation of an automatic opening device is requested.

Basement / Pair of Doors at Main Stair: The central stair has two outswing doors that have adequate pull side clearance but minimal push side clearance. During public events, these doors will be held open with magnets that release in the event of a fire alarm.

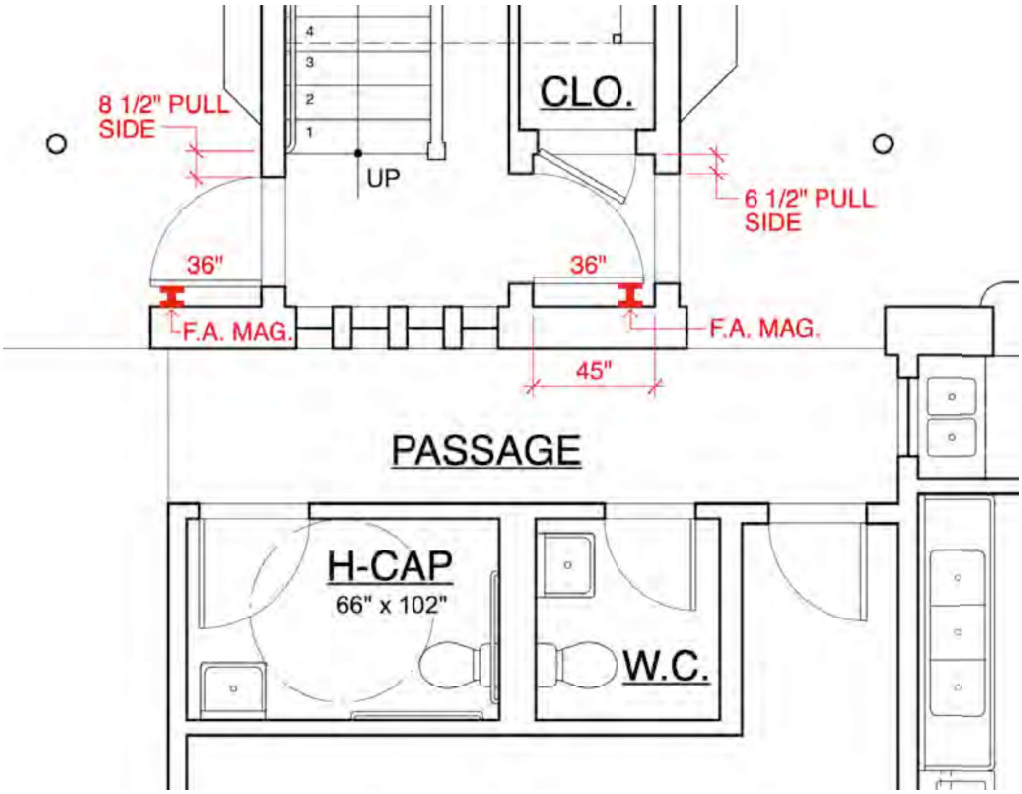
First Floor / Four Doors in the Grand Foyer: The character-defining circular foyer has two 49" doors and two 33" doors that, due to the thickness and geometry of the walls, do not meet maneuverability clearances. As noted previously, swing-clear hinges will be provided for the smaller doors, all four doors will receive lever handles, and all will have their thresholds reshaped. Since public events are hosted by the members, the club's policy states that doors to public areas will be left open, rendering maneuverability clearance as a moot issue.

Second Floor / Library: The door into the library has limited pull side clearance due to the adjacent original built-in bookshelves. This could be corrected by modifying the bookcases or adding an automatic opening device. Since this door will be left open during public events in accordance with club policy, the cost of disrupting historic conditions is excessive.

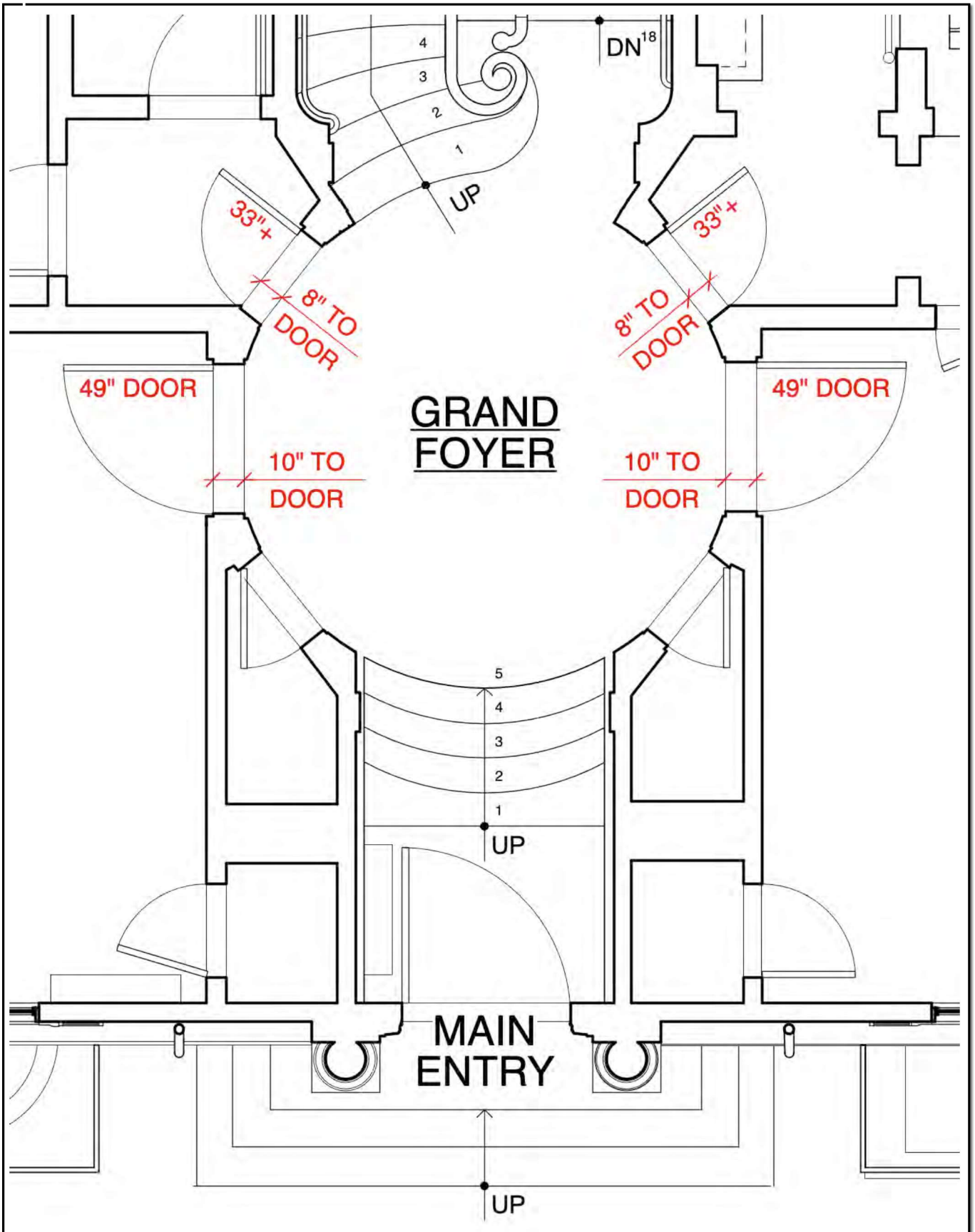
The cost of full compliance for maneuverability at these doorway locations is $170,000 and required modifications would disrupt historic character. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities.



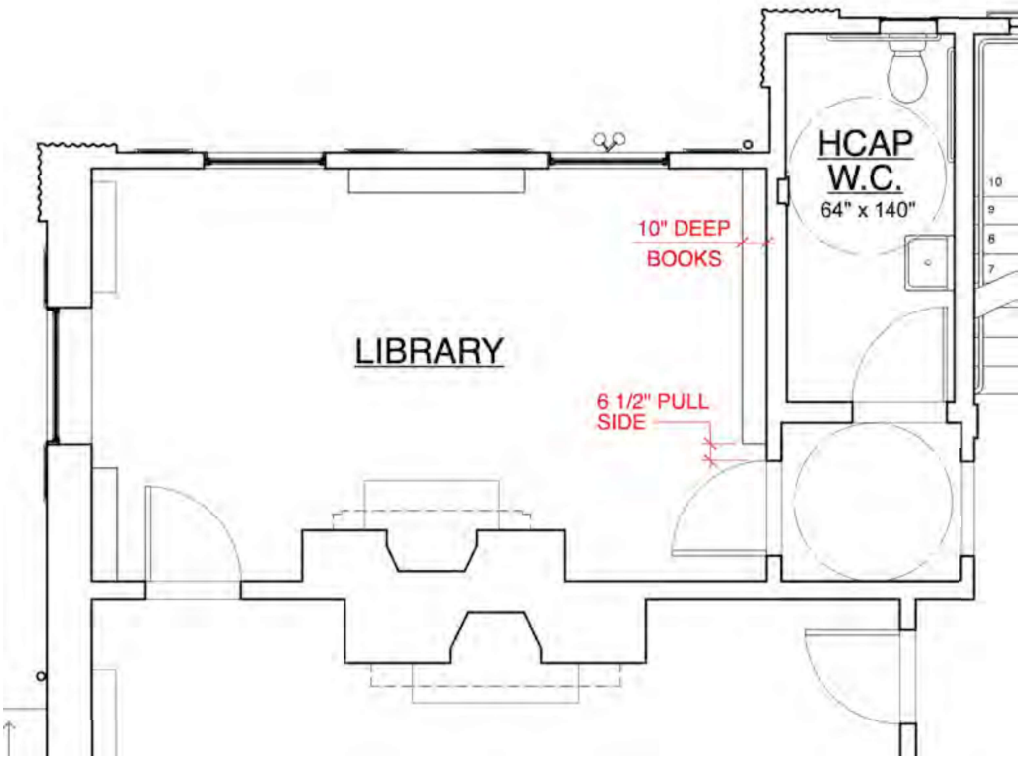
Members-Only Entrance Door at Bottom of Areaway Stairs in Oversized Width Fills Full Breadth of the Masonry Opening; Not Part of Accessible Route



Doors at Lowest Landing of Grand Staircase Swing Out to Basement and do not Fully Comply with Maneuverability Clearances; Magnetic Fire Alarm Hold-Open Devices will be Used During Public Events



Original Doors in the Deep Circular Character-Defining Walls of the Grand Foyer do not Fully Comply with Maneuverability Clearances; Doors to be Kept Open During Public Events in Accordance with Club Policy



Second Floor Library Door has Limited Pull Side Clearance Due to Original Bookcases; Door to be Kept Open During Public Events in Accordance with Club Policy

Request #2: COST of FULL COMPLIANCE to 521 CMR 26 DOORWAYS	
26.6: MANEUVERING CLEARANCES AT SELECTIVE DOORWAYS	
$16,000	Basement Mt Auburn Areaway: Auto Operator for 46" Private Door
$24,000	Basement Main Stair: Auto Operators for Two 36" Doors
$27,500	First Floor Foyer: Auto Operators for Two 49" Original Doors
$18,500	First Floor Foyer: Auto Operators for Two 33" Original Doors
$7,000	Second Floor Library: Modify Bookshelves, Flooring, Wall & Trim
$14,000	Electric Strikes for Seven Door Latches in Frames
$23,000	Power, Concealed Wiring, Patching, Painting
$130,000	Subtotal of Estimated Direct Trade Costs for 26.6 Compliance
$40,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$170,000	**Estimated Project Cost for Full Compliance at Doorways**

Cost of Full Compliance for Doorways

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION D: 521 CMR 27: STAIRS / Variance Request #3

The Massachusetts State Building Code *780 CMR 34 – Existing Buildings* accepts handrails and guards by reference to the *2015 International Existing Building Code – Chapter 12 / Historic Buildings* per Sections 1203.9 and 1203.10. However, 521 CMR 27.1 states that "all stairs are required to comply" with the accessibility regulations of 521 CMR 27. Relief for stair nosings (27.3) and handrails (27.4) of the historic building are requested below.

As stated in 27.3, risers shall be sloped or the underside of nosings shall be angled. The historic facility has three types of nosings and risers that do not meet current accessibility regulations but do not appear to be unsafe or create tripping hazards.

1. Granite steps with vertical risers at 3 steps leading to the main entrance and 12 areaway stairs serving the basement door for members only at Mt. Auburn Street.
2. Bluestone treads projecting 3/4" from brick risers at the pyramidal stairs leading to the private back door serving the bar and support spaces; not an egress stair.
3. Interior wood nosings projecting 7/8" with traditional molded scotia below treads forming an angle of 57.5-degrees from horizontal.

As stated in 27.4, stairways shall have continuous handrails on both sides of all stairs at a height of 34" to 38" measured above the nosings. Historic conditions are as follows:

- Front Entry: no handrails at the exterior (3 steps) or interior foyer (5 steps). Relief is requested for acceptance of historic conditions and configurations.
- Grand Staircase: central guard at 29" above nosings and 37" above floor landings with no perimeter handrails at wainscoting. Acceptance of the guard is requested, and continuous wall-mounted handrails are proposed with clearance below the chair rail at 32.75" above nosings and 36.5" to 38" above landings. To comply with minimum 34" AFF would require replacement of the original wainscoting chair rail.
- Mt. Auburn Areaway Private Stairs: request acceptance of one historic handrail mounted to building wall at 34" above nosings.
- Back Door Private Stairs: request acceptance of no handrails since this is not a public stair and is not required for egress from the interior.

Note that the proposed new stair in the addition, which will serve all four levels of the building, will be fully compliant with current building codes and accessibility regulations. The addition will have accessible entrances in the front and in the courtyard. Signs at the main entrance and the two private stairs will direct visitors to the accessible entrances into the addition with its fully compliant stairway and elevator.

The cost of making all stairways compliant is $410,000 and disrupts historic character. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities, especially since the proposed addition provides a fully compliant stairway serving all floor levels of the facility and an elevator serving the public levels.

220216-IMG_0819.JPG



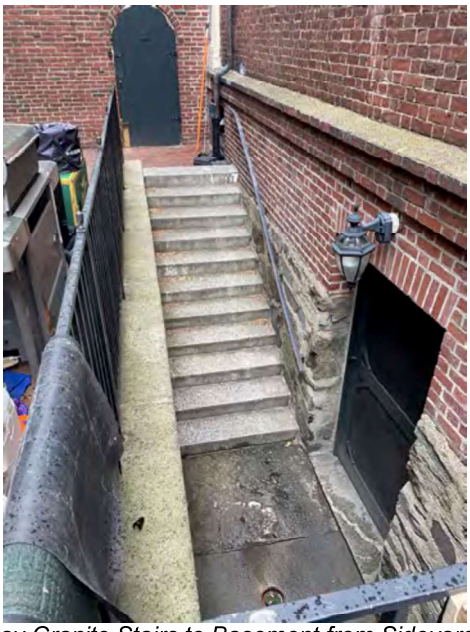
Main Entrance on Front Facade with Original Granite Steps to Landing at Flush Stoop; No Railings; Proposed Addition to Fully Compliant Stairs Beyond

230425-IMG_0718.JPG



Interior Steps at Main Entrance to Grand Foyer; Carpeted Wood Stairs with No Railings; Grand Staircase Beyond

220718-IMG_1857.JPG



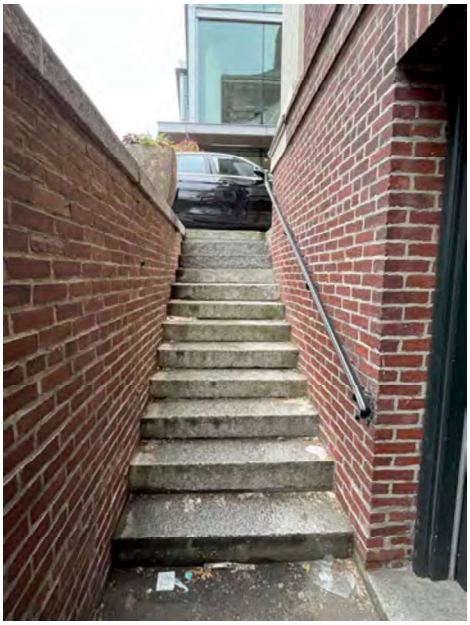
Areaway Granite Stairs to Basement from Sideyard to be Removed for Accessible Addition with Entrances from JFK Street & Courtyard, Elevator, and New Stair

220718-IMG_1855.JPG



Stairs in Courtyard at Private Back Door to the Bar and Support Areas; Proposed Addition at Left Includes Accessible Courtyard Entry, Stair & Elevator

230608-IMG_0989.JPG



Granite Areaway Stairs to Private Members-Only Entrance Adjacent to Mt. Auburn Street; Original Handrail to Right Side of Stairs

230608-IMG_0990.JPG



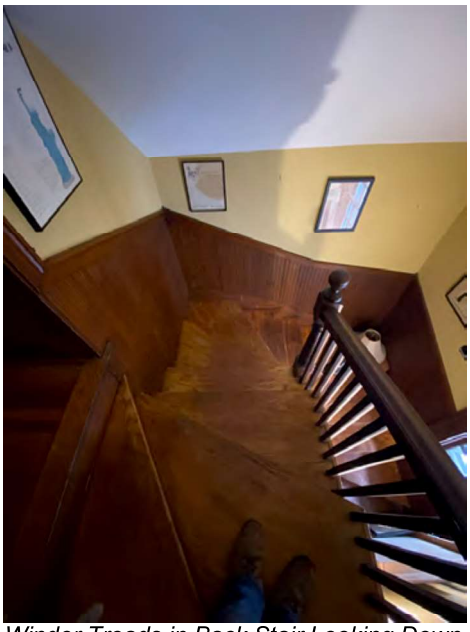
Railing at Mt. Auburn Areaway Stairs at 34" Above Nosing with 1.5" Clearance to Wall

230608-IMG_0991.JPG



Custom Fox Casting at Areaway Stairs to Mt. Auburn Members-Only Entrance

220718-IMG_1848.JPG



Winder Treads in Back Stair Looking Down from Third Floor; Stair to be Removed and New Code-Compliant Stair to be Provided in Addition

220718-IMG_1840.JPG



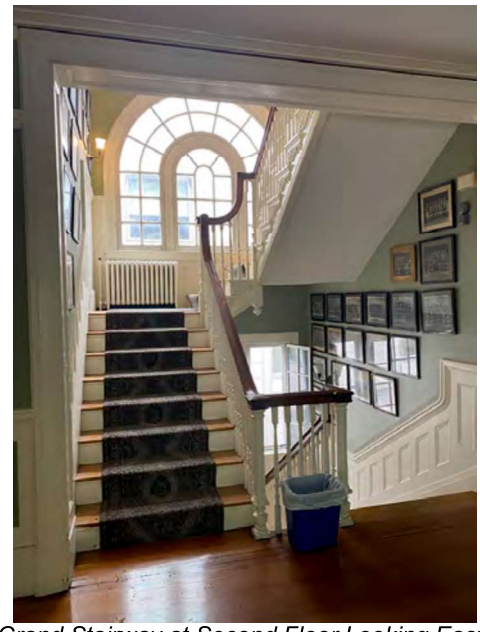
Original Grand Stair Balustrade Looking Toward Central Foyer and Front Entrance

220718-IMG_1841.JPG



Details at Original First Floor Stair Balustrade of 1902 Grand Staircase Adjacent to Foyer

220718-IMG_1851.JPG



Grand Stairway at Second Floor Looking East; Continuous Wall Mounted Handrails Proposed at the Perimeter Wood Wainscoting

230425-IMG_0707.JPG



Detail of Stair Risers, Carved Stringers, Newel Posts, Drop Finials, and Balusters

230608-IMG_1001.JPG



Original 1902 Wainscoting at Grand Staircase at Perimeter Walls; Continuous Railings to be Provided with Required Clearance to Chair Rail

230608-IMG_1002.JPG



Original 1902 Guard at Grand Staircase; Top of Guard at 29" Above Nosings

230608-IMG_0999.JPG

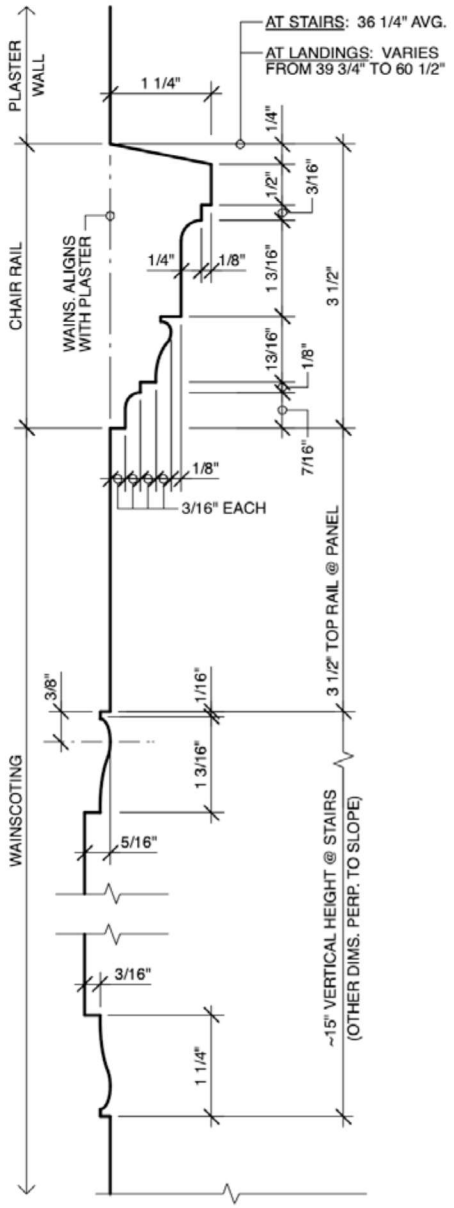


Original 1902 Guard of Grand Staircase at Landings

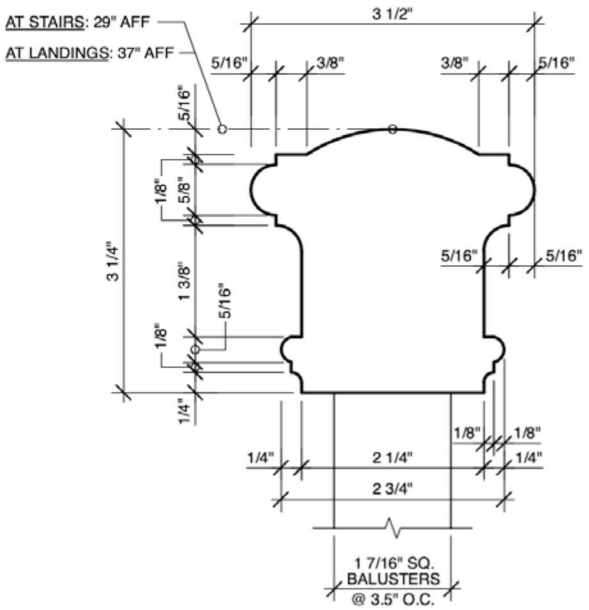
230608-IMG_1003.JPG



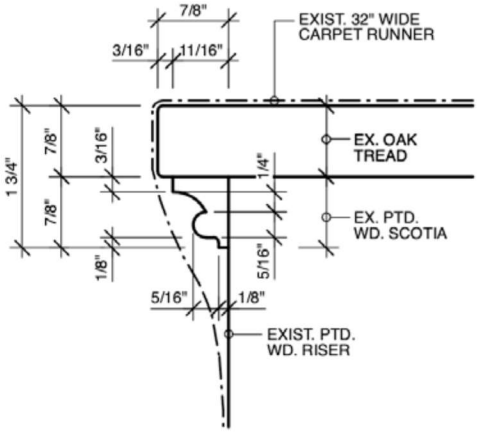
North Elevation at Second Floor Landing; Note that the Radiator & Piping will be Removed for Placement of Continuous Wall-Mounted Handrail



3 A-30 EX. STAIR WAINSCOTING
Scale: Half Actual Size

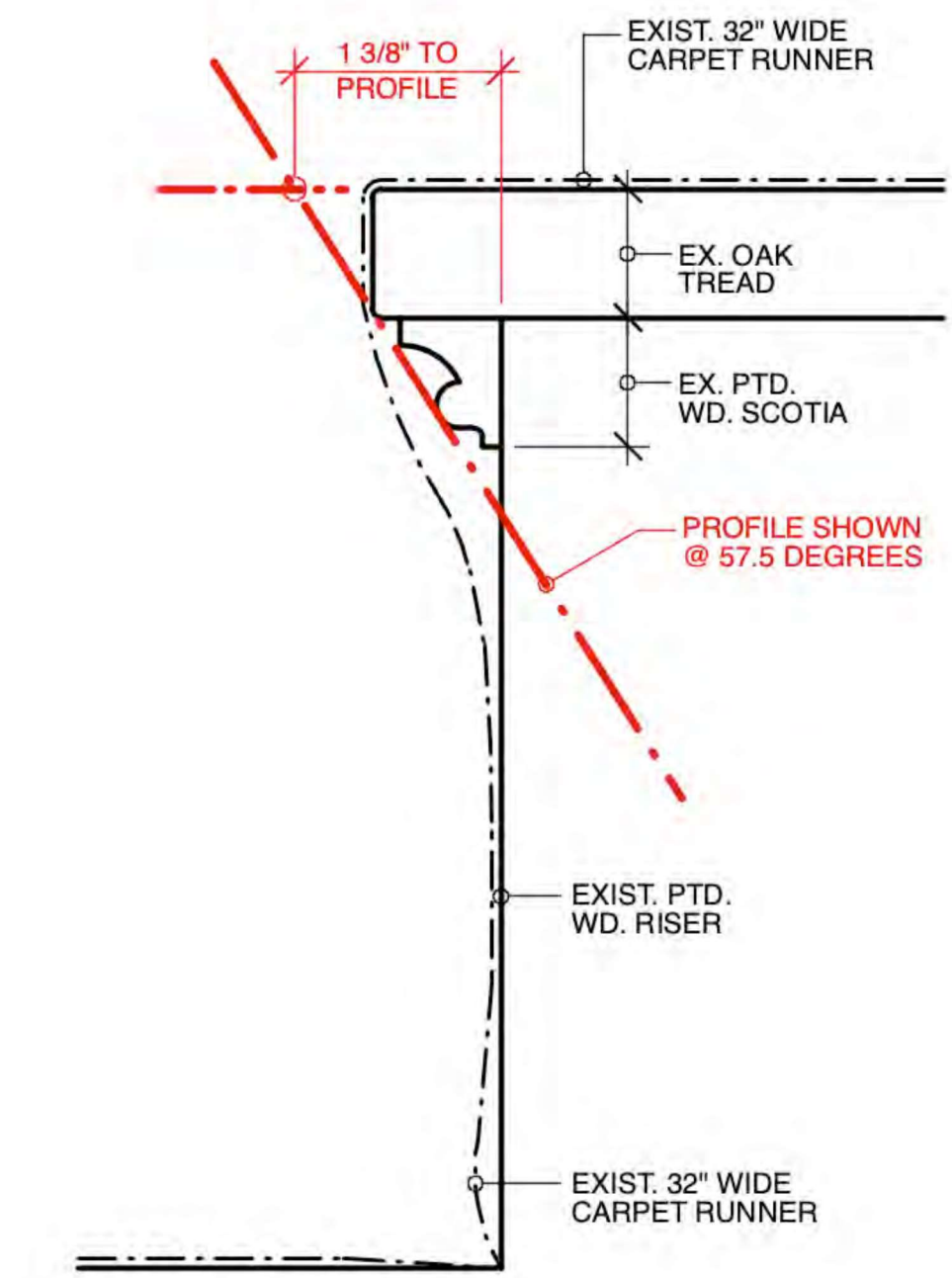


1 A-30 EXISTING GUARD RAIL
Scale: Half Actual Size



2 A-30 EXIST. STAIR NOSING
Scale: Half Actual Size

Original Details of 1902 Grand Staircase at Wainscoting, Central Guard, and Nosings

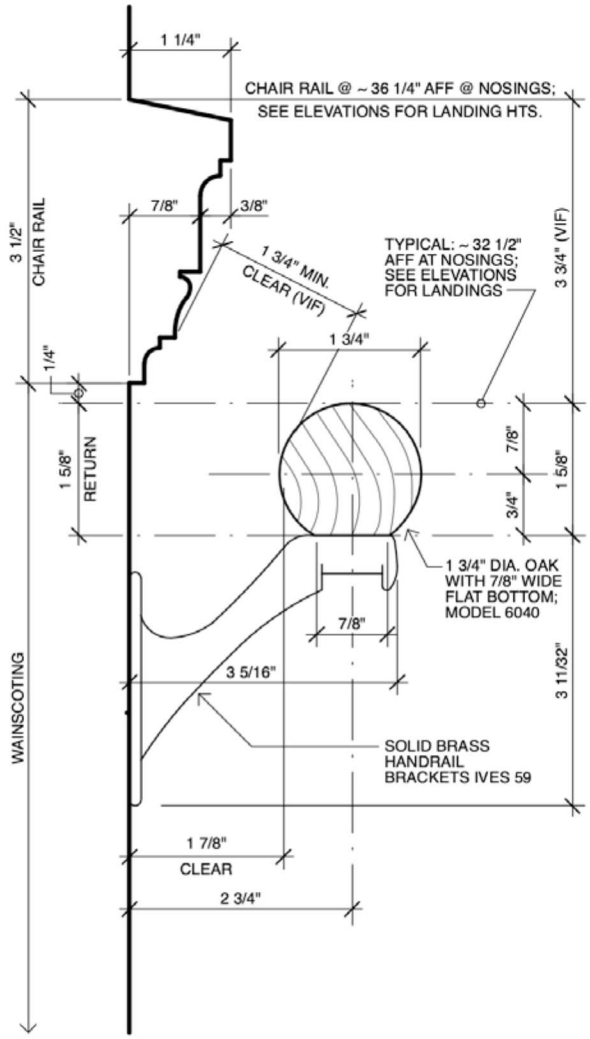


2
A-30

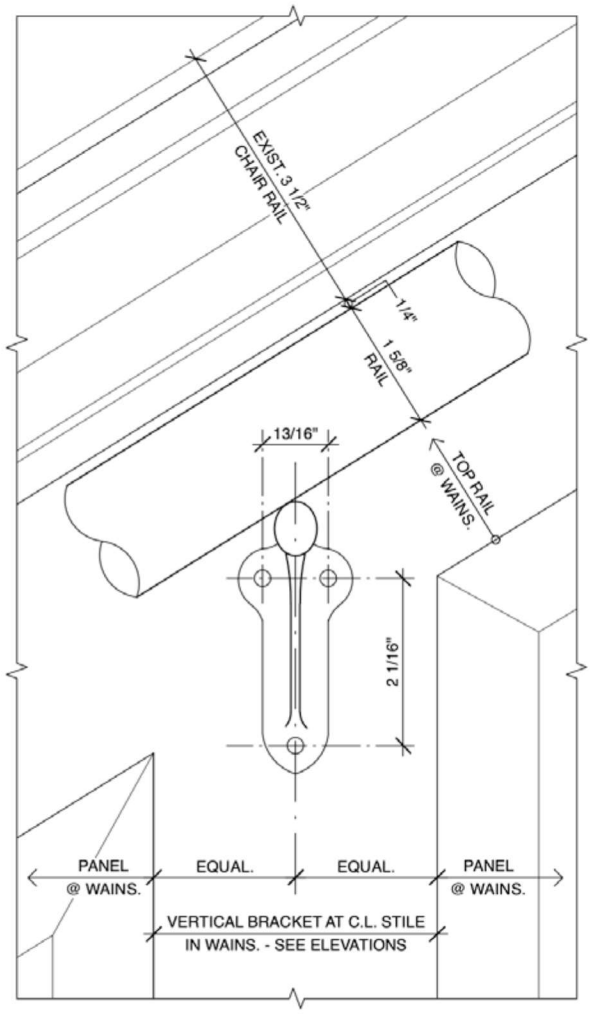
EXIST. STAIR NOSING

Scale: Half Actual Size

Details of Original Wood Nosing as Compared to Current Accessibility Requirements of 60-Degrees and <1.5”

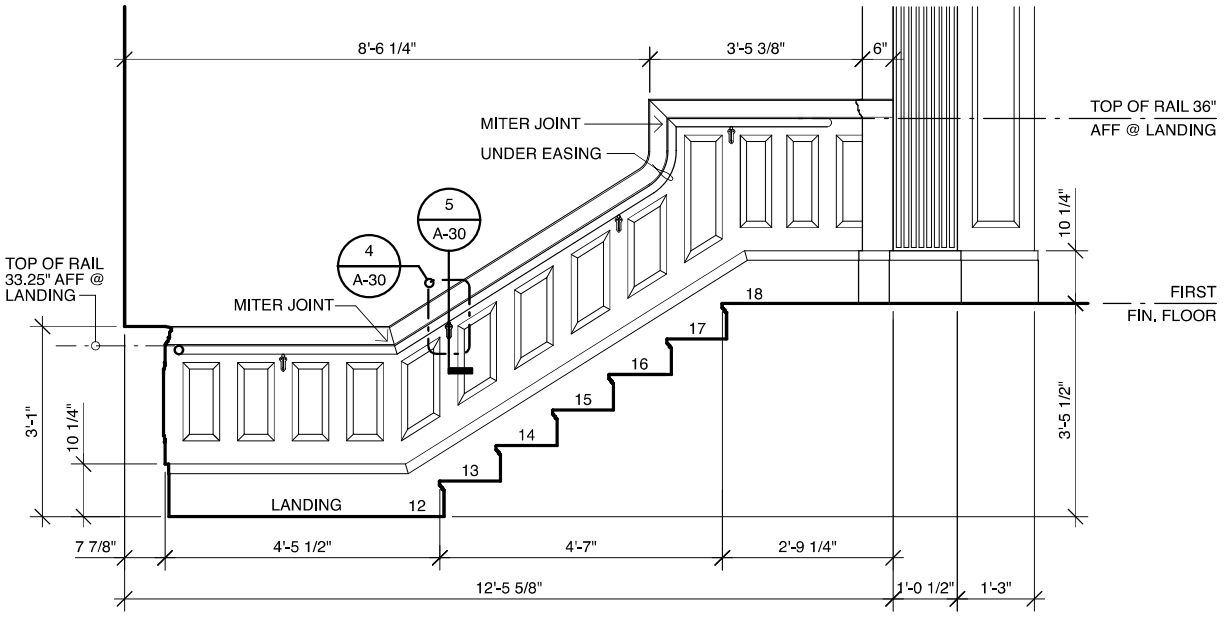


5 / A-30 RAILING SECTION
Scale: Half Actual Size



4 / A-30 RAILING ELEVATION
Scale: Half Actual Size

Proposed Placement of Continuous Wall-Mounted Handrailsin Grand Staircase at Height of 32.5" Above Nosings; Meeting 34" Minimum Height Requires Removal of Chair Rail Obstruction; Height at Landings 36.5" to 38" AFF



G / A-30 BASEMENT-TO-1ST SOUTH @ MAIN STAIR ELEVATION

Scale: 3/8" = 1'-0"

Sample of Added Handrail on Perimeter Walls of Grand Staircase;
Height Maintains Clearance to Original Chair Rail

Request #3: COST of FULL COMPLIANCE to 521 CMR 27 STAIRS	
27.3: COMPLIANCE OF ALL STAIR RISERS AND NOSINGS	
$25,000	Front Entry Stairs: Modify Nosings at Exterior Stone Steps
$4,000	Front Entry Stairs: Modify Nosings at Interior Foyer Steps
$21,000	Grand Staircase: Modify Nosings at All Flights of Central Stairs
$45,000	Mt Auburn Private Stairs: Modify Nosings at Granite Areaway Steps
$18,000	Back Door Private Stairs: Rebuild to Extend Landing & Modify Nosings
$113,000	Subtotal of Estimated Direct Trade Costs for 27.3 Compliance
27.4: COMPLIANCE WITH HANDRAILS ON BOTH SIDES OF ALL STAIRS	
$7,500	Front Entry Stairs: Add Railings at Exterior Stone Steps
$9,000	Front Entry Stairs: Add Railings at Interior Foyer Steps
$125,000	Grand Staircase: Replace Guardrail and Include Railings
$38,000	Grand Staircase: Modify Wainscoting Chair Rail for Railing Height
$4,500	Mt Auburn Private Stairs: Add Second Railing at Areaway Stairs
$10,000	Back Door Private Stairs: Add Railings at Both Sides of Stairs to Door
$194,000	Subtotal of Estimated Direct Trade Costs for 27.4 Compliance
$103,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$410,000	**Estimated Project Cost for Full Compliance at Stairs**

Cost of Full Compliance for Stairs

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION E: 521 CMR 28: ELEVATORS / Variance Request #4

52 CMR 28.1 requires multi-level buildings to be served by a passenger elevator while certain conditions allow for wheelchair lifts and limited use elevators per 28.12. This facility has four levels, a basement through third floor. The upper level will remain private while the other three levels will host occasional public events. A passenger elevator is required unless a variance is obtained for a Limited Use / Limited Application elevator (LULA) as proposed.

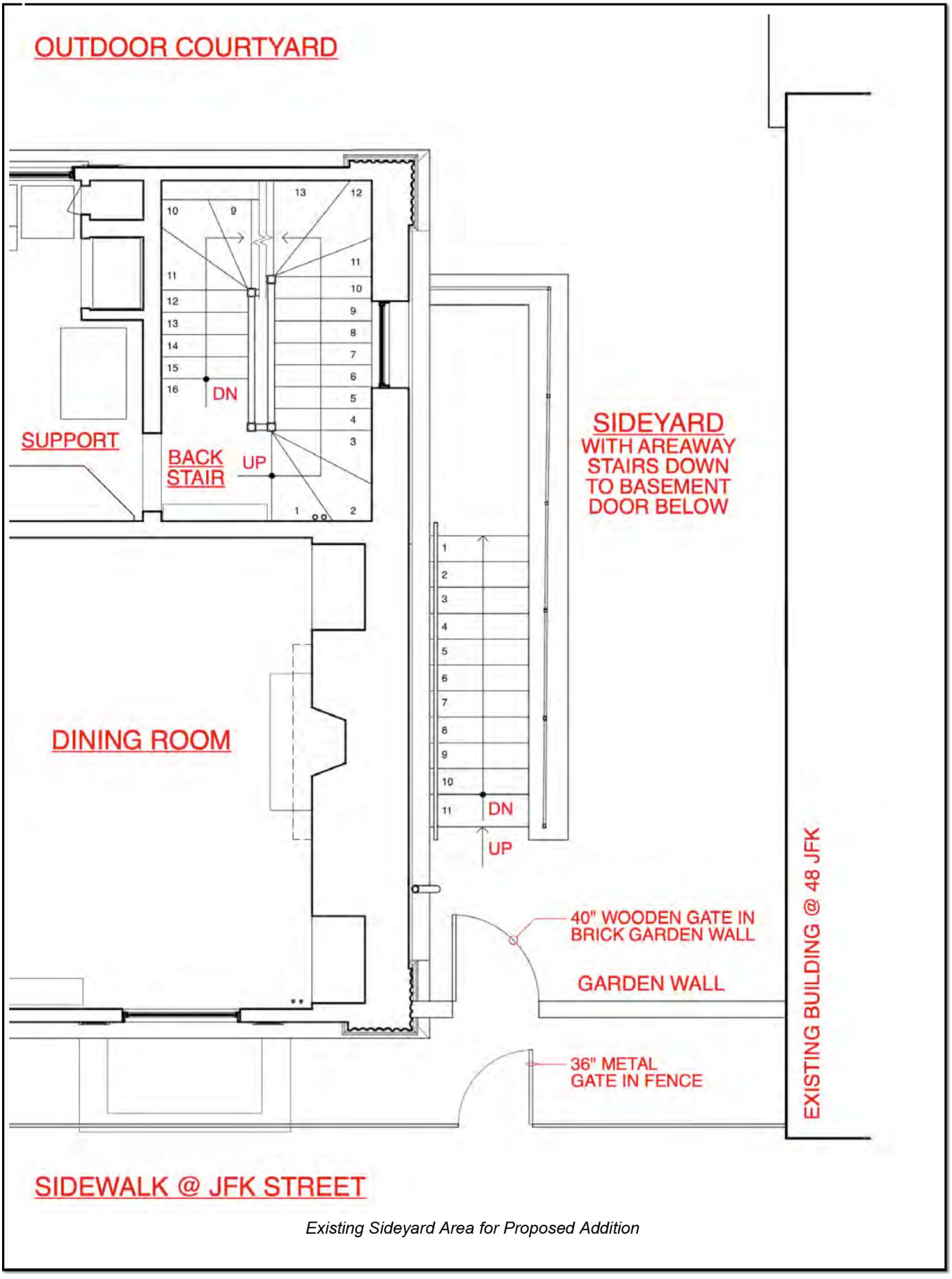
None of the conditions in 521 CMR 28.12.1 (items "a" through "e") that would allow a LULA elevator in lieu of a full passenger elevator is applicable to this facility. Despite this, the reasons for proposing a LULA are as follows:

- Since the third floor is private and does not require public accommodation, the overall rise from the basement to the second floor is 22'-2 1/4". The maximum rise of a LULA is 25'-0", so the smaller elevator is feasible in this regard.
- Since the footprint of a LULA is smaller than a passenger elevator, massing of the addition can be minimized in relation to the existing historic facility.
- The Cambridge Historical Commission has approved the exterior envelope of the proposed addition with the LULA, and the Cambridge Commission for Persons with Disabilities has also expressed support for this appropriately integrated solution.
- Since the over-run required for a LULA (distance above the upper landing to underside of hoistway) can be minimized for a LULA by providing a code-compliant car-top prop, the overall height of the hoistway allows for an HVAC deck to be installed at the third floor, avoiding encroachment of equipment at the outdoor courtyard, and minimizing noise considerations to immediate abutters.
- The footprint and height of a passenger elevator hoistway would require a larger, more visible addition that would be awkwardly appended to this historic facility. If a fourth landing were required to provide access to the private third floor, the top of the elevator hoistway enclosure would be as tall above grade as the hip roof ridge.

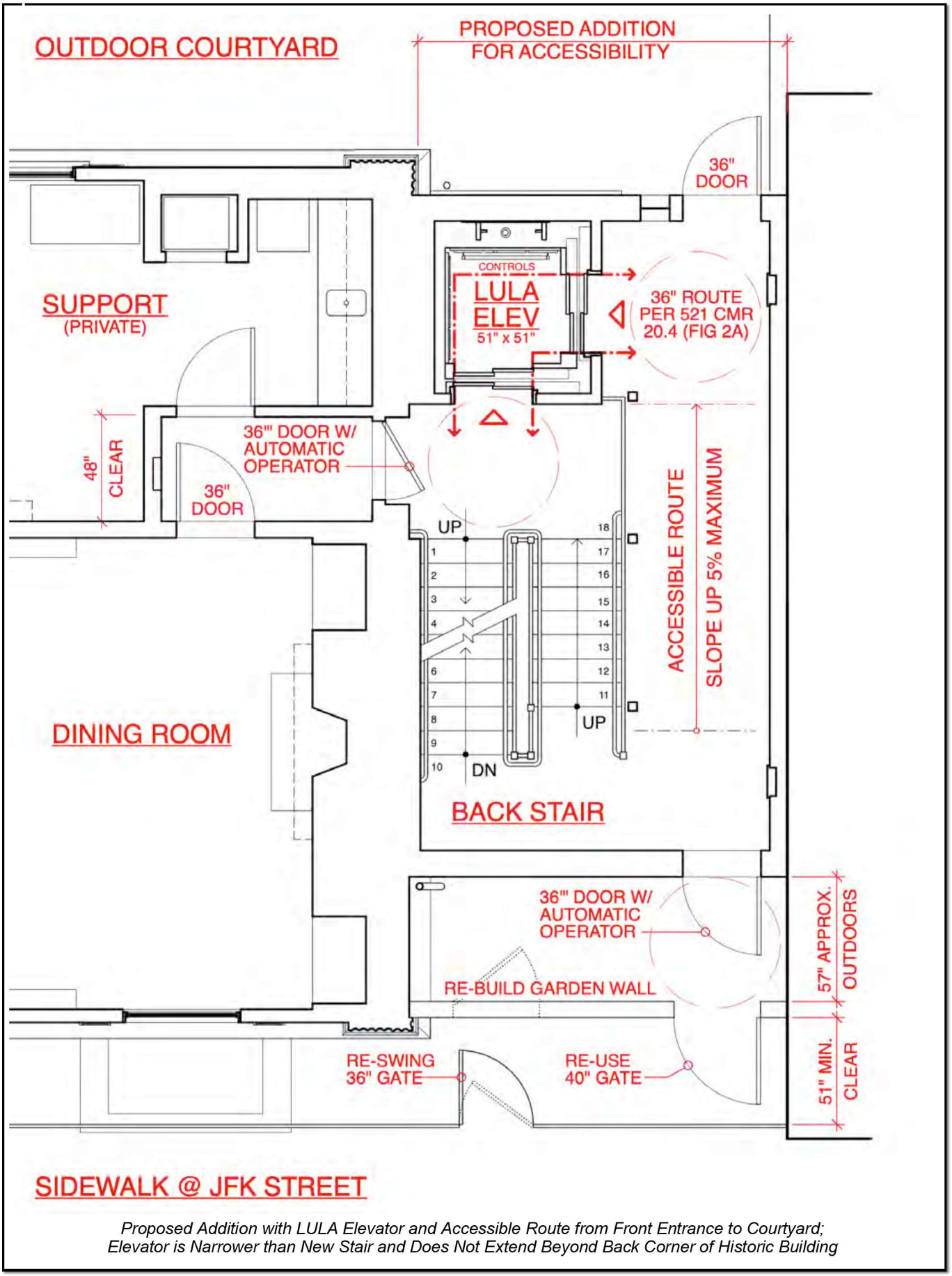
Hence, a LULA is proposed since it provides vertical access to the three floor levels of public use while being sensitively integrated with the massing of the building envelope.

In addition to the variance request from 521 CMR 28.1 to allow a LULA in lieu of an elevator, the cab size also requires relief since the regulations describe a typical LULA per 28.12.3.a with a cab size of 36" x 60" and a single door on the 36" side. This yields a cab size of 15 square feet. The proposed LULA requires a side door and front door to fit access within the footprint of the addition. The accessible entrance level at the elevator landing is about 50" below the first floor, so a side door is essential. Each floor landing will be at the front side of the elevator. Both doors will be 36" wide and the interior cab will be 18 square feet with clearances of 51" x 51". This configuration complies with the dimensions of an accessible route per 521 CMR 20.4, Figure 2a as illustrated in the drawings.

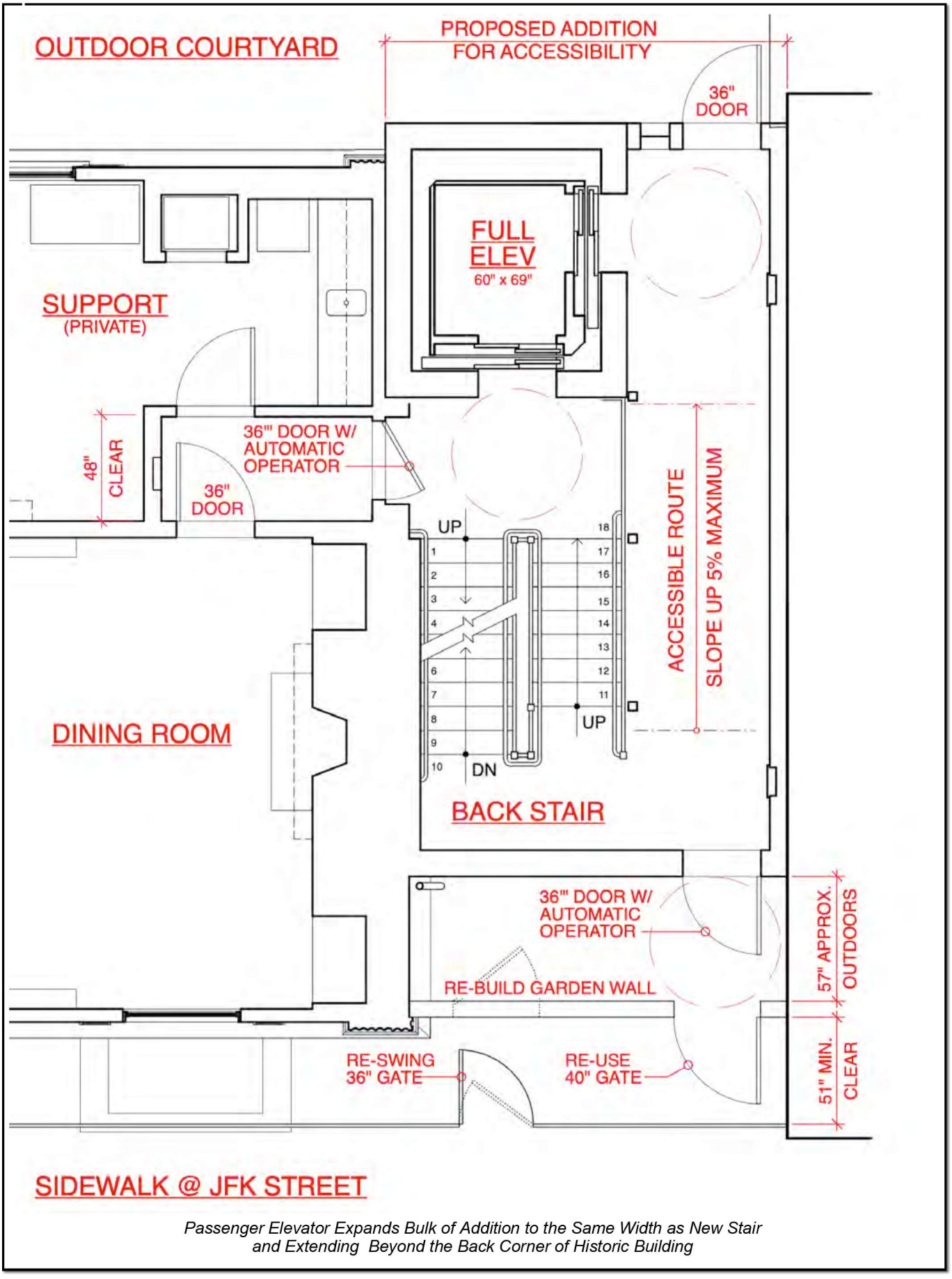
The cost of full compliance for elevators is $610,000 and a full elevator would disrupt the historic character of the addition. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities.



Existing Sideyard Area for Proposed Addition



Proposed Addition with LULA Elevator and Accessible Route from Front Entrance to Courtyard;
Elevator is Narrower than New Stair and Does Not Extend Beyond Back Corner of Historic Building



Passenger Elevator Expands Bulk of Addition to the Same Width as New Stair and Extending Beyond the Back Corner of Historic Building



Proposed Addition to the South of Building Includes LULA Elevator Beyond the View

Request #4: COST of FULL COMPLIANCE to 521 CMR 28 ELEVATORS	
28.1: REQUIREMENT FOR PROVISION OF A PASSENGER ELEVATOR	
$475,000	Provision of Accessible Hydraulic Corner-Post Passenger Elevator
$24,000	Extended Foundation Costs for Deeper Elevator Pit & Underpinning
$72,000	Extended Building Envelope Costs for the Additional Hoistway Size
$36,000	Additional Power, Structural and Miscellaneous Costs for Elevator
$8,000	Larger Elevator Equipment Room for the Passenger Elevator
$12,000	Costs for Placement of HVAC Equipment at Grade vs Third Floor Deck
($175,000)	Credit for Provision of Limited Use / Limited Application Elevator
$452,000	Subtotal of Estimated Direct Trade Costs for 28 Compliance
$158,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$610,000	**Estimated Project Cost for Passenger Elevator Instead of a LULA**

Estimated Cost of Full Compliance for Conversion of Historic Entrance to an Accessible Entrance

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION F: SUPPORTING DOCUMENTS

CAMBRIDGE HISTORICAL COMMISSION

- Certificate of Appropriateness / Case No. 4974 / June 7, 2023
- Letter of Support to MAAB / June 7, 2023, with copies to:
    - Cambridge Commission for Persons with Disabilities
    - Cambridge Inspectional Services Department
    - Massachusetts Historical Commission

FOX CLUB – PUBLIC USE POLICY

- Policy Statement for Public Use of the Fox Club / August 1, 2023
    - Introduction
    - Public Access and Materials
    - Types of Public Access
    - Limitations on Public Access Privileges
    - Limitations on Public Access / Private Space
    - Access for Disabilities
    - Disclaimer and Conclusion

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. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

CERTIFICATE OF APPROPRIATENESS

Property: **44 JFK Street**

Applicant: **Fox Club Holdings LLC**

Attention: **Fox Club Holdings**
Attn: Matt Pierce, Treasurer
P. O. Box 132
Kingston, Mass. 02364

Don Mills
Mills Whitaker Architects LLC
P. O. Box 750089
Arlington, Mass. 02475

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:

Accessibility, infrastructure, and functionality upgrades at the Fox Club including,

1. **Construct an addition on the south side of the building for an accessible entrance from JFK Street, a small LULA elevator, replacement of the back exit stair and HVAC equipment.**
2. **Deconstruct the garden wall and arched door that face JFK Street. Reconstruct the wall using salvaged bricks and relocate the arched doorway.**
3. **Deconstruct the driveway wall that faces Mt. Auburn Street and reconstruct it using salvaged brick at location approximately 5 feet further south.**
4. **Remove, store and reinstall the existing iron fence and gate at the southwest corner of the property. Rehinge the gate upon reinstallation.**
5. **Construct a new accessible walkway from the iron gate to the relocated arched doorway and into the new**

accessibility addition to access the LULA elevator or the rear garden.

6. **Install accessibility directional signage on the iron fence close to the JFK entry door.**

Work is to be carried out as indicated in the plans by Mills Whitaker Architects titled, "The Fox Club Renovations," and dated on the cover letter May 8, 2023 (updated May 25, 2023).

Approval was granted on the condition that the construction details be reviewed and approved by CHC staff including masonry samples for the reconstructed walls.

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: **4974** Date of Certificate: **June 7, 2023**

Attest: A true and correct copy of decision filed with the offices of the City Clerk and the Cambridge Historical Commission on June 7, 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

CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 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. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternate Members*

June 7, 2023

William Joyce, Executive Director
Massachusetts Architectural Access Board
1000 Washington Street, Suite 710
Boston , Mass. 02118

Re: AAB Case: Fox Club, 44 JFK Street, Cambridge

Dear Mr. Joyce:

I am writing with regard to the application of Fox Club Holdings LLC for certain variances from the rules of the Architectural Access Board with regard to the renovation of the Fox Club building in Harvard Square, Cambridge.

On June 1, 2023, the Cambridge Historical Commission approved the Club's application for a Certificate of Appropriateness to make minor exterior alterations and to construct an addition to the building to improve accessibility to the building and the rear garden and to improve the building infrastructure and safety.

The building was constructed as a private club in 1902 to designs by architect Guy Lowell. Lowell is well known as the architect for Boston's Museum of Fine Arts as well as other residential and civic buildings in the region. The Fox Club is architecturally significant both as a fine example of the Georgian Revival style and for its associations with Guy Lowell. The building is located within the Harvard Square Conservation District (local neighborhood conservation district) and is a contributing building in the Harvard Square National Register Historic District.

The primary purpose of the proposed addition is to provide an accessible entrance into the building from JFK Street. The addition will house a code compliant stair and a LULA elevator that will access the basement, first and second floors. By locating the accessible entrance within the new addition, significant historic architectural features both on the exterior and the interior of the building may be preserved. Modifications to thresholds, bathrooms and room arrangements are planned inside the building, which will provide access to the assembly spaces and bathrooms within the building. The Cambridge Historical Commission requests that the Architectural Access Board find that literal compliance with its regulations is inconsistent with the retention of the historic integrity of the Fox Club building.

Sincerely,

Sarah L. Burks

Sarah L. Burks
Preservation Planner

cc: Rachel Tanenhaus, Cambridge Commission for Persons with Disabilities
Jacob Lazzara, Inspectional Services Department
Brona Simon, Massachusetts Historical Commission

The Fox Club Graduate Association, Inc.

POLICY STATEMENT FOR PUBLIC USE OF THE FOX CLUB

Effective Date: August 1, 2023

The Fox Club is a private club with a historically significant Clubhouse at 44 JFK St., Cambridge MA.

The Fox Club was founded in 1898 as the Digamma Club by six Harvard College undergraduates. Subsequently, the club became known as The Fox Club from the similarity between the letter "F" and the archaic Greek character for Digamma. The Club was one of many Final Clubs that were built along Mt. Auburn Street in an area that was just beyond what were then the boundaries of Harvard's Campus in Cambridge. Final Clubs largely began in an era prior to the establishment of Harvard's system of residential houses when Final Clubs served partly as dining clubs in addition to being social clubs.

As part of our efforts to support and celebrate the historic architecture of the Clubhouse at 44 JFK Street and the era of the Club's founding, we have elected to provide limited public access to the Clubhouse under the following rules and conditions.

Public Access and Materials

The Clubhouse will be opened to supervised limited public access twice per year: once in January for a six-hour period and once in July for a six-hour period. Public access shall not exceed ten members of the public for every supervisor or member, and no more than 40 members of the public shall be allowed access to the Clubhouse at any one time regardless of the number of supervisors or members.

The building will also be open to the general public by appointment not less than six times per year, the public access not to exceed ten members of the public for every supervisor or member.

Organizations of architects, engineers, historians or others whose professional or academic pursuits are concerned with the creation, preservation or restoration of historic buildings may arrange to tour the interior spaces at a time mutually agreed to by the Club and the organizations.

Visitors will be provided with printed material in the form of a brochure describing the history, architecture and furnishings of the clubhouse.

Visitors will be asked to sign a guest book at the time of admission. Visitors will not be allowed to take photos or video recordings of the building interior during their tour.

We will provide virtual tours of the Clubhouse upon vetted inquiry.

There will be no fee or other charge for public access to the Clubhouse in accordance with the above.

A van-accessible parking space is available for visitors upon advance request.

Types of Public Access

While we cannot anticipate every kind of public access in the future, we expect to offer the following opportunities for the public to enjoy the interior of the Clubhouse:

- speaking engagements, presentations
    - focused on period architecture, or
    - the architecture of Guy Lowell (the architect of the Club) and his peers, or
    - accomplishments of renowned Fox members. Past examples of such private discussions include
        - the poetry of TS Eliot, Class of 1910
        - the art of Fernando Zobel, Class of 1949
- musical recitals, dance recitals, artistic presentations, readings
    - focused on local students or member musicians, dancers, writers and artists
- curated tours of the building and grounds
    - primary focus on historic architecture, memorabilia and period pieces
    - educational seminars for students of history and architecture
- Educational seminars, lectures, tours
    - Focused on organizations whose professional or academic pursuits are concerned with the creation, preservation or restoration of historic buildings
    - On any similar related topic of public interest

Limitations on Public Access Privileges

While we cannot anticipate every kind of public event or access, we will maintain strict guidelines on the duration of each event and the nature and number of participants in every event.

- All public access will be supervised by a qualified, vetted supervisor or a member in good standing of the Fox Club.
- There can be no more than 10 members of the general public per supervisor or member.
- There can be no more than a total of 40 members of the public in the Clubhouse at any one time, regardless of the number of supervisors or members present.
- Visitors must be supervised at all times.
- Visitors shall not take photographs or video or handle the property of the Fox Club unless specifically allowed by the supervisor at that time.
- Visitors will not be served food or drink except by a qualified staff member and with prior written permission from the Graduate Board or their designated representative.
- Food and drink will not be served from the first Floor Bar, because that area is a designated private space.
- Visits will not be longer than four hours.



Limitations on Public Access, Private Space

The following spaces will be made generally available to the public

- **Basement**
  - Guest Room
  - Lounge
  - Den
- **First Floor**
  - Grand Foyer
  - Living Room
  - Parlor
  - Dining Room
  - Coat Closets in Grand Foyer
- **Second Floor**
  - Great Hall
  - Billiards Room
  - Library
- **Basement to Second Floor**
  - Stairways and elevator
  - Bathrooms
- **The Courtyard and Accessibility Corridor**
  - Entire area

The following spaces are Private and are not available to the Public:

- **Basement**
  - Commercial Kitchen and Bar
  - Utilities Closet
  - Storage rooms and closets
- **First Floor**
  - First Floor Bar
  - Closets other than in the Grand Foyer
  - Service area behind Bar
- **Second Floor**
  - Stewards Office
  - Service and Support Area adjacent to Great Hall
  - Stairways to Third Floor
- **Third Floor**
  - Entire Floor is Private, for Members only

Access for Disabilities

Public spaces at the Fox Club are designed to be handicap-accessible to the extent feasible given the historic nature of the Clubhouse as designed and built in the early 20th century.

During Public Tours and Events, it is Fox Club policy to leave doors to public spaces open, or in the event that a door is closed, that a supervisor or member will be available to open the door at any time or for any reason for the duration of the event.

Disclaimer and Conclusion

It is our hope and intent that limited public accessibility will provide the Fox Club members with benefits not currently enjoyed and that will benefit the greater public good. We are proud of our history and of the cumulative efforts of many years of diligent stewardship, maintenance and restoration of our unique and historically significant Clubhouse.

The Fox Club reserves the right to amend or update this public policy as circumstances warrant and as we gain experience with the correct mix of public events and private member/guest events in the future.

For further questions and information, please reach out to the Fox Club at info@digamma.club or the address below.

AAB 222

Souders, Bradley (DPL)

From: Don Mills <donmills@millswhitaker.com>
Sent: Friday, June 9, 2023 1:44 PM
To: Souders, Bradley (DPL); Joyce, William (DPL)
Subject: FW: MAAB Variance Application - 44 JFK Street - Cambridge MA
Attachments: MAAB Variance Application-44 JFK St-Cambridge MA.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Bradley & William,

Attached please find a variance application from 521 CMR for the Fox Club at 44 JFK Street in Cambridge as submitted to MAAB and MHC. This application includes the MHC ADA Consultation Process Form and we are sending a copy of this directly to MHC.

We will mail the application check separately. Please contact me if you have any questions.

Thanks,

Don Mills
Mills Whitaker Architects LLC
617-283-5377
millswhitaker.com

	Commonwealth of Massachusetts **Division of Professional Licensure** **Office of Public Safety and Inspections** **Architectural Access Board** 1000 Washington St., Suite 710 • Boston • MA • 02118 V: 617-727-0660 • www.mass.gov/aab	Docket Number (Office Use Only)

APPLICATION FOR VARIANCE

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) **Sign the certification on Page 8.**
4) **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.**
5) **Serve copies of the completed application and all attachments via electronic or physical delivery based on the recipient's preference to:**
    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.)**
6) **Complete the Service Notice included with the Application and sign it.**
7) **Deliver the completed Application and all attachments to the Board via electronic or physical delivery:**
    a. **Electronic:**
        i. **Applications should be sent via email to william.joyce@mass.gov & bradley.souders@mass.gov.**
        ii. **The email submission must have the subject line: Variance Application - <Address>, <City>**
        iii. **The application and all attachments must be in .pdf format**
        iv. **The application and all attachments should be included in a single email, except where that email would exceed 15 megabytes in size.**
        v. **Please submit the $50 filing fee via check or money order via mail to the mailing address listed above with either a cover letter or, "Variance - <Address>, <City>" in the memo line.**
    b. **Physical**
        i. **Applications should be sent to the mailing address listed above and must include:**
            1. **The completed application and all attachments.**
            2. **A copy of the application and all attachments on a CD/DVD (Thumb Drives will not be accepted),**

3. **The completed and signed Service Notice.**
4. **A check or money order in the amount of $50 dollars, made out to the Commonwealth of Massachusetts.**

ii. **Please ensure that all documents included are no larger than 11" x 17".**

iii. **Incomplete applications will be returned via regular mail to the applicant with an explanation as why it was unable to be docketed.**

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:

The Fox Club
44 JFK Street
Cambridge MA 02138

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

Fox Club Holdings LLC
PO Box 132
Kingston MA 02364
Attn: Matt Pierce, Treasurer

E-mail: treasurer@digamma.club

Telephone: 508-783-4166

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

Two-and-a-half-story plus basement (four stories per 521 CMR 5 definitions) in the Harvard Square National Historic District. Constructed in 1902 and designed by Guy Lowell, architect of the Boston Museum of Fine Arts, this is a private social club that will host occasional public events and will modify relevant portions of its facility to be made accessible to the extent feasible.

4. Total square footage of the building/facility: 10,250 GSF

Per floor: (2805 x 3)+1830

a. Total square footage of tenant space (if applicable): Not Applicable

5. What was the original year of construction for the building/facility: 1902?

6. Check the nature of the work performed or to be performed:

- ☐ New Construction
- ☒ Addition
- ☒ Reconstruction/Remodeling/Alteration
- ☐ Change of Use

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

Construct an addition to provide an accessible entrance and elevator that will serve the basement, first, and second floors to enable public access to this private club. Interior work includes provision of accessible public restrooms and other modifications to comply with 521 CMR to the extent feasible while preserving the character and features of this significant historic building.

See additional information attached.

8. Is the building or facility historically significant? ◉ Yes ○ No

a. 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 a Registered Historic District Harvard Square National Register District / July 27,1988
- ☐ Listed in the State Register of Historic Places _____
- ☐ Eligible for listing _____
  (In which registry?)

b. 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, located at 220 Morrissey Boulevard, Boston, MA 02125.

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

2.6 ☐ 3.2 ☐ 3.3.1(a) ☐ 3.3.1(b) ☐ 3.3.2 ☐ 3.3.4 ☐ 3.4 ☐

10. 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:

Permit #	Date of Issuance	Value of Work
243766		

(Use additional sheets if necessary.)

11. List the anticipated construction cost for any work not yet permitted or for any relevant work which does not require a permit:

$ 3,528,000.00

12. Has a certificate of occupancy been issued for the facility? ○ Yes ◉ No

If yes, state the date it was issued: _____

13. To the best of your knowledge, has a complaint ever been filed with the AAB on this building or facility relative to accessibility? ○ Yes ◉ No

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

14. For existing buildings or facilities, state the actual assessed valuation of the **BUILDING/IMPROVEMENTS ONLY,** as recorded in the **Assessor's Office** of the municipality in which the building or facility is located: $ 481,200.00

Is the assessment at 100%? ○ Yes ◉ No

If not, what is the town's current assessment ratio? 84.00%

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

Construction Documents Completed; Building Permit Application Pendin

16.

Request #1

Section(s) for which you are seeking relief: 25 Entrances

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☐ Test Drawings,
☐ Other(s):_____

If yes, when do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

The restrooms as designed provide fixture and maneuvering clearances as required by 521 CMR 30 with the exclusion of room dimensions indicated in Figure 30d. None of the three restrooms meet the 72" dimension of the 72" x 90" room layout shown in Figure 30d and each room exceeds the 90" dimension. Due to the orientation of the water closet in the proposed restrooms, a 72" dimension is greater than needed for toilet access and expanding the rooms does not improve functionality or accessibility for users. In the basement restroom, expansion of the footprint does not affect historic resources, but at the first and second floor restrooms, expansion impacts the integrity of adjacent original rooms (e.g. relocates original walls, modifies an original corner cabinet, relocates historic wall sconce, and reconstructs bookshelves) and impacts the historic integrity of this facility.

The cost of compliance with the 72" width dimension in every restroom results in an added cost of $66,500 without any substantial benefit to persons with disabilities and resulting in the disruption of

Request #2

Section(s) for which you are seeking relief: 26 Doorways

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☐ Test Drawings,
☐ Other(s):_____

If yes, when do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

Several doorways cannot meet current accessibility regulations without historic loss. Relief is requested from full compliance with 521 CMR 26 maneuvering clearances to preserve historic features as follows:

26.6: Doors with non-compliant clearances will be kept open during public events or are in locations that are used primarily by members and not by the public.

See attached details describing that full compliance is impracticable because it would disrupt significant historic resources and the cost of $170,000 would be excessive without substantial benefit to persons with disabilities.

AAB 228

Request #3

Section(s) for which you are seeking relief: 27 Stairs

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☐ Test Drawings,
☐ Other(s):_____

If yes, when do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

The historic building has a grand staircase and other stairways that do not comply with current accessibility regulations. Relief is requested from the following portions of 521 CMR 27 to preserve historic features as follows:

27.3: Retain original nosings in front entry, grand staircase and two private stairs.
27.4.1: Retain guardrail in grand staircase and provide continuous wall-mounted rails in that stair. Retain existing railing conditions in front entry and two private stairs.

See attached details describing that full compliance is impracticable because it would disrupt significant historic resources and the cost of $410,000 would be excessive without substantial benefit to persons with disabilities.

Request #4

Section(s) for which you are seeking relief: 28 Elevators

Are you seeking temporary relief ◯ Yes ◉ No

Types of Attachments for this Request:
☑ Floor/Site Plans, ☑ Cost Estimates,
☑ Photographs, ☐ Test Drawings,
☐ Other(s):_____

If yes, when do you propose to be in compliance by: _____?

Please describe in detail why compliance with the Board's regulations are impracticable (as defined in 521 CMR 5) for the subject of this request, and attach whatever documents are relevant to support your argument that compliance is impracticable (attach additional pages if necessary, please identify which request each attachment is in support of):

In lieu of a passenger elevator, a Limited Use / Limited Application elevator is proposed for access to the basement, first, and second floors. The third floor will remain private. The LULA requires relief from the following portions of 521 CMR 28:

28.1: LULA for access to three of four floors (third floor to remain private).
28.12.3.a: 51" x 51" cab with side door at entry level and front doors at 3 landings.

See attached details describing that full compliance is impracticable because it would disrupt significant historic resources and the cost of $610,000 would be excessive without substantial benefit to persons with disabilities.

If you require more than 4 requests, please use the *Additional Request Sheet* and complete the *Large Variance Tally Sheet*, both of which are available on the "Forms and Applications" page of the Board's website (http://www.mass.gov/aab).

17. 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:

Mills Whitaker Architects LLC
PO Box 750089
Arlington MA 02474
Attn: Don Mills

E-mail: donmills@millswhitaker.com

Telephone: 617-283-5377

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

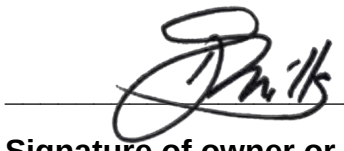
Brandon Vigneault, Building Inspector
Inspectional Services Department
831 Massachusetts Avenue #1
Cambridge MA 02139

E-mail: bvigneault@cambridgema.gov

Telephone: 617-349-9715

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION AND SUPPORTING DOCUMENTATION IS TRUE AND CORRECT

Date: 6/8/23



Signature of owner or authorized agent *(required)*

PLEASE PRINT:

Don Mills / Owner's Agent & Architect

Name

Mills Whitaker Architects LLC

Organization (If Applicable)

PO Box 750089

Address

Address 2 (optional)

Arlington MA 02475

City/Town State Zip Code

donmills@millswhitaker.com

E-mail

617-283-5377

Telephone

SERVICE NOTICE

I, Don Mills / Mills Whitaker Architects LLC, as Owner's Agent & Project Architect
(Name) (Relationship to the applicant)

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:

	NAME AND ADDRESS OF PERSON OR AGENCY SERVED	METHOD OF SERVICE	DATE OF SERVICE
1 **Building Department**	Inspectional Services Department 831 Massachusetts Avenue #1 Cambridge MA 02139	via email	6/9/23
2 **Local Commission on Disability** (If Applicable)	Commission for Persons w/ Disabilities 51 Inman Street Cambridge MA 02139	via email	12/5/23
3 **Independent Living Center**	Boston Center for Independent Living 60 Temple Place Boston MA 02111	via email	12/5/23



Signature

12/5/23

Date

DocuSign Envelope ID: BFD77FA9-C586-47A6-A11B-85DCC1CA66BD

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission - State Historic Preservation Office

The Americans with Disabilities Act Consultation Process Form

Name of Property: Fox Club

Address of Property: Street: 44 JFK Street

City: Cambridge County: Middlesex State: MA Zip: 02138

Historic Designation/Status/Listing:

☐ National Historic Landmark — Date of Listing _____

☐ Listed Individually in National Register of Historic Places — Date of Listing _____

☐ Located in registered historic district (specify Harvard Square Nat'l) — Date of Listing 07/27/1988

☐ Listed in State Register of Historic Places — Date of Listing _____

☐ Eligible for listing (prepare and submit MHC inventory form, attach to application)

Project Contact:

Name: Don Mills / Mills Whitaker Architects LLC

Street: PO Box 750089 City: Arlington

State: MA Zip: 02475 Daytime Telephone Number: 617-283-5377

Property Owner:

Name: Fox Club Holdings LLC

Street: PO Box 132 City: Kingston

State: MA Zip: 02364 Daytime Telephone Number: 508-783-4166

Signature: Matthew V. Pierce

AAB 233

Consultation with individuals with disabilities and their organizations:

Name: Kate Thurman, Disability Project Coordinator

Organization: Cambridge Commission for Persons with Disabilities

Street: 51 Inman Street / 2nd Floor City: Cambridge

State: MA Zip: 02139 Daytime Telephone Number: 617-349-4692

Signature: Kate Thurman

Attach comments to form.

Consultation with local historical commission

Name: Charles Sullivan / Executive Director

Organization: Cambridge Historical Commission

Street: 831 Massachusetts Ave / 2nd Floor City: Cambridge

State: MA Zip: 02139 Daytime Telephone Number: 617-349-4683

Attach comments to form.

Describe major significant architectural features of property. Include the overall shape of the building, its materials, craftsmanship, decorative details, interior space and features, as well as various aspects of its site and environment.

Designed in 1902 by Guy Lowell, the Fox Club contains elements of Colonial Revival and Beaux Arts. Located at the corner of Mt. Auburn & JFK Streets, exterior features include rectangular massing, dormered hip roof, classical eaves, symmetrical entrance, stone plinth, fluted corner pilasters with Ionic capitals, clapboards at front/rear facades with brick end walls. Interior features include a circular foyer, grand staircase, paneled doors, and unique gathering spaces.

Explain why applying the General Requirements for Barrier Free Access would threaten or destroy the historic significance of the property.

Architectural feature(s): Preserve facade, massing, details, & features by limiting alterations and minimizing size of addition.

Approximate date(s) of feature(s): Features date from the original construction in 1902 as designed by architect Guy Lowell.

Describe existing condition(s): Interior & exterior historic fabric has been very well maintained and is in good condition.

Describe the proposed alternative Barrier Free Access solution under the Special Rule [4.1.793)]. Include photographs, drawings, and all pertinent information to assist us in our review.

Four variances from 521 CMR are requested in an application to the MAAB to preserve the integrity of the historic building. Request #1: Provide an accessible entrance in an addition to preserve the central entrance. Request #2: Preserve grand stairs. Request #3: Preserve interior door clearances. Request #4: Provide a LULA elevator to minimize impact to building massing.

MILLS WHITAKER ARCHITECTS
ARLINGTON MA www.millswhitaker.com BRIDGTON ME

DATE: 8 June 2023

FACILITY: **FOX CLUB**
44 JFK Street
Cambridge MA 02138

SUBJECT: 521 CMR Variance Application
MHC ADA Consultation Process Form

ENCLOSED: ATTACHMENTS TO VARIANCE APPLICATION

The MAAB Variance Application (9 pp.) and MHC ADA Consultation Process Form (2 pp.) outline the basis for a proposed renovation and addition at the historic 1902 Fox Club in the Harvard Square National Register Historic District. This attachment provides supplemental information to provide details, rationale, and estimated costs for full compliance in support of the variance requests as listed in the application. This attachment includes the following:

SECTION A: **PROJECT DESCRIPTION**
Narrative Summary of Scope
Photographs & Drawings

SECTION B: **521 CMR 25: ENTRANCES**
Variance Request #1

SECTION C: **521 CMR 26: DOORWAYS**
Variance Request #2

SECTION D: **521 CMR 27: STAIRS**
Variance Request #3

SECTION E: **521 CMR 28: ELEVATORS**
Variance Request #4

SECTION F: **SUPPORTING DOCUMENTS**
Cambridge Historical Commission
Fox Club – Public Use Policy

The intent of this project is to provide accessibility improvements that will enable this private social club to host occasional public events so that the significant nature of this historic facility can be showcased beyond the confines of its membership.

P.O. Box 750089
Arlington MA 02475
617.876.7611 voice
617.876.6420 fax

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION A: PROJECT DESCRIPTION

Renovations and an addition are proposed for the historic Fox Club at 44 JFK. The Fox Club has been a private club since its founding in 1898 and its construction in 1902. The facility was designed by architect Guy Lowell who is known for the Boston Museum of Fine Arts and other prominent buildings in the region. Due to its legacy with the architect's work and history of the club's members, the club intends to host periodic events that invite the public into the facility. To extend invitations, the building must meet accessibility requirements in areas opened to public events while preserving the building's historic character and features.

Renovation of this building will preserve and upgrade the facility for accessibility, energy efficiency, enhanced functionality, and improved life safety. The primary entrance from JFK Street cannot be adapted into an accessible entrance without major disruption of the historic character of the building, so an addition is proposed on the south side near the main entrance. The configuration and location of the addition will provide an accessible entrance, an elevator, and replace the back stair to allow safe access and egress for persons of all abilities. Respect for original design elements will be echoed in the addition to compliment the historic building while minimizing its massing in relation to the existing structure.

Other relevant improvements that will be incorporated into the renovation include:

- Provision of an accessible route to the outdoor courtyard.
- Construction of accessible toilet rooms in areas of public events.
- Reshaping original interior door thresholds for floor level compliance.
- Replacement of doorknobs in public areas with appropriate lever handles.
- Install automatic sprinklers and upgrade fire alarm system to meet current codes.
- Provision of signage to support public access and way finding.
- Other accessibility provisions for full compliance that do not require variances.

Enclosed are a selection of captioned photographs, existing/proposed floor plans, site plan, and existing/proposed exterior elevations. More details and descriptions of selected areas are given in the subsequent sections addressing each variance request. In the proposed floor plans and elevations, symbols indicate specific locations of variance requests as follows:

VR #1 – Variance Request #1 / 521 CMR 25 Entrances (Cost = $255,000)
VR #2 – Variance Request #2 / 521 CMR 26 Doorways (Cost = $170,000)
VR #3 – Variance Request #3 / 521 CMR 27 Stairs (Cost = $410,000)
VR #4 – Variance Request #4 / 521 CMR 28 Elevators (Cost = $610,000)

It is the applicant's belief that the cost of $1,455,000 for full compliance is excessive without substantial benefit to persons with disabilities and would greatly impact historic features.

The Fox Club is a contributing structure in the Harvard Square National Historic District and the Harvard Square Conservation District. The project has been reviewed and unanimously approved by the Cambridge Historical Commission. Also, staff of the Cambridge Commission for Persons with Disabilities provided input and expressed support for the project.



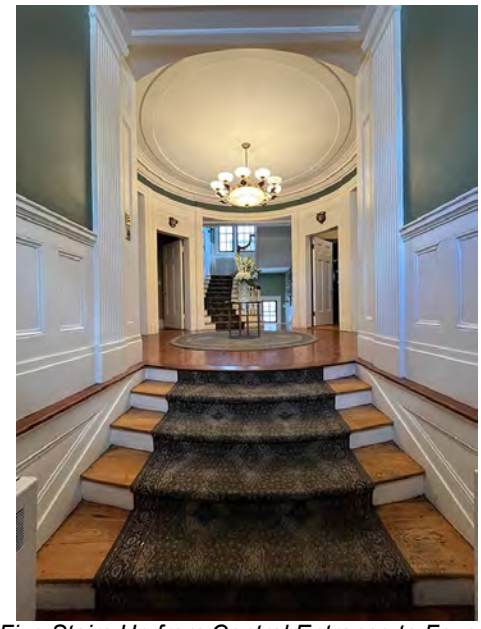
Original Entrance to Fox Club on Primary Facade
Will Be Designated as "Public" for Hosted Events

220216-IMG_0819.JPG



Three Steps Up to Public Entrance and Limited Depth Between Sidewalk and Facade Does Not Allow Space for an Accessible Ramp

230425-IMG_0718.JPG



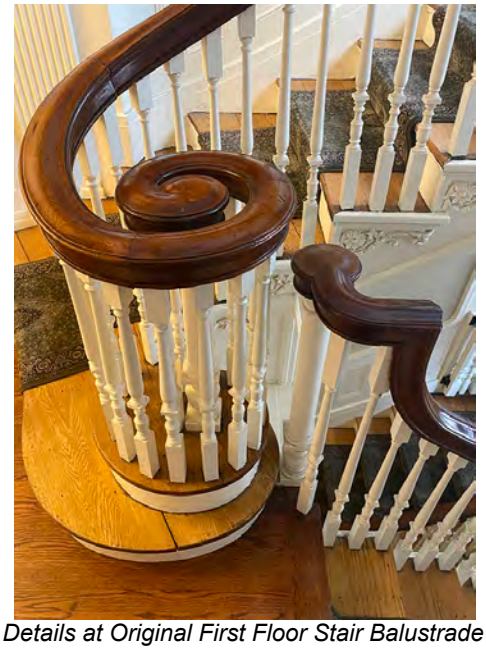
Five Stairs Up from Central Entrance to Foyer; First Floor Level is 48" Above Sidewalk Grade

220718-IMG_1840.JPG



Original Grand Stair Balustrade Looking Toward Foyer and Central Entrance

220718-IMG_1841.JPG



Details at Original First Floor Stair Balustrade of 1902 Grand Staircase Adjacent to Foyer

220718-IMG_1851.JPG



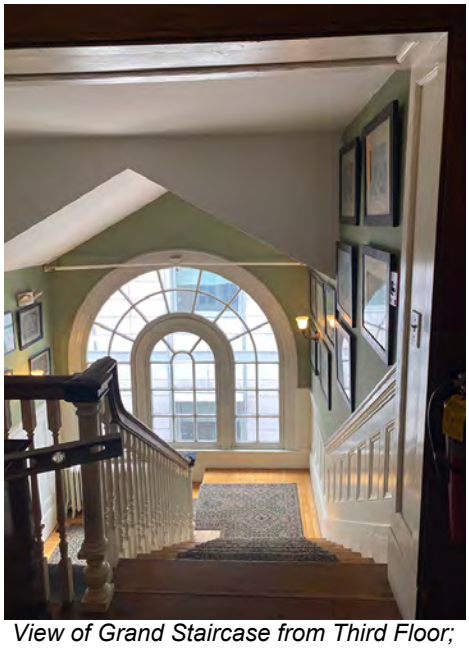
Grand Stairway at Second Floor Looking East; Continuous Wall Mounted Handrails Proposed at the Perimeter Wood Wainscoting

230425-IMG_0707.JPG



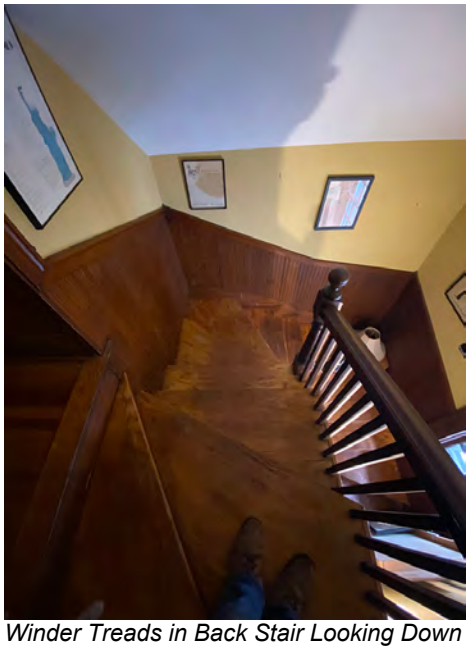
Detail of Stair Risers, Carved Stringers, Newel Posts, Drop Finials, and Balusters

220718-IMG_1844.JPG



View of Grand Staircase from Third Floor; This Upper Level to Remain Private

220718-IMG_1848.JPG



Winder Treads in Back Stair Looking Down from Third Floor; Stair to be Removed and New Code-Compliant Stair to be Provided in Addition

AAB 239



Proposed Addition for Accessible Entrance, Elevator, & Stairs
Behind Garden Wall in Sideyard Between Fox Club & Adjacent Building

220216-IMG_0828.JPG



Garden Wall at JFK Street with Wooden Gate and Low Metal Fence; South Facade Beyond and Proposed Location of the Addition

221202-IMG_3080.JPG



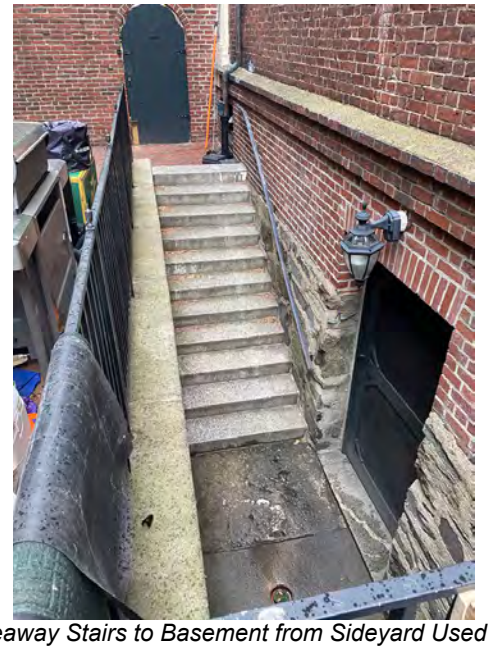
Swinging Gate in Fence at Property Line; Existing Wooden Gate in Garden Wall

220718-IMG_1856.JPG



Sideyard Looking Toward Garden Wall & JFK Street; Location of Proposed Addition for Accessible Entrance, Stairs, and Elevator

220718-IMG_1857.JPG



Areaway Stairs to Basement from Sideyard Used as Service Entrance & Egress; Gate at Garden Wall Beyond

AAB 241



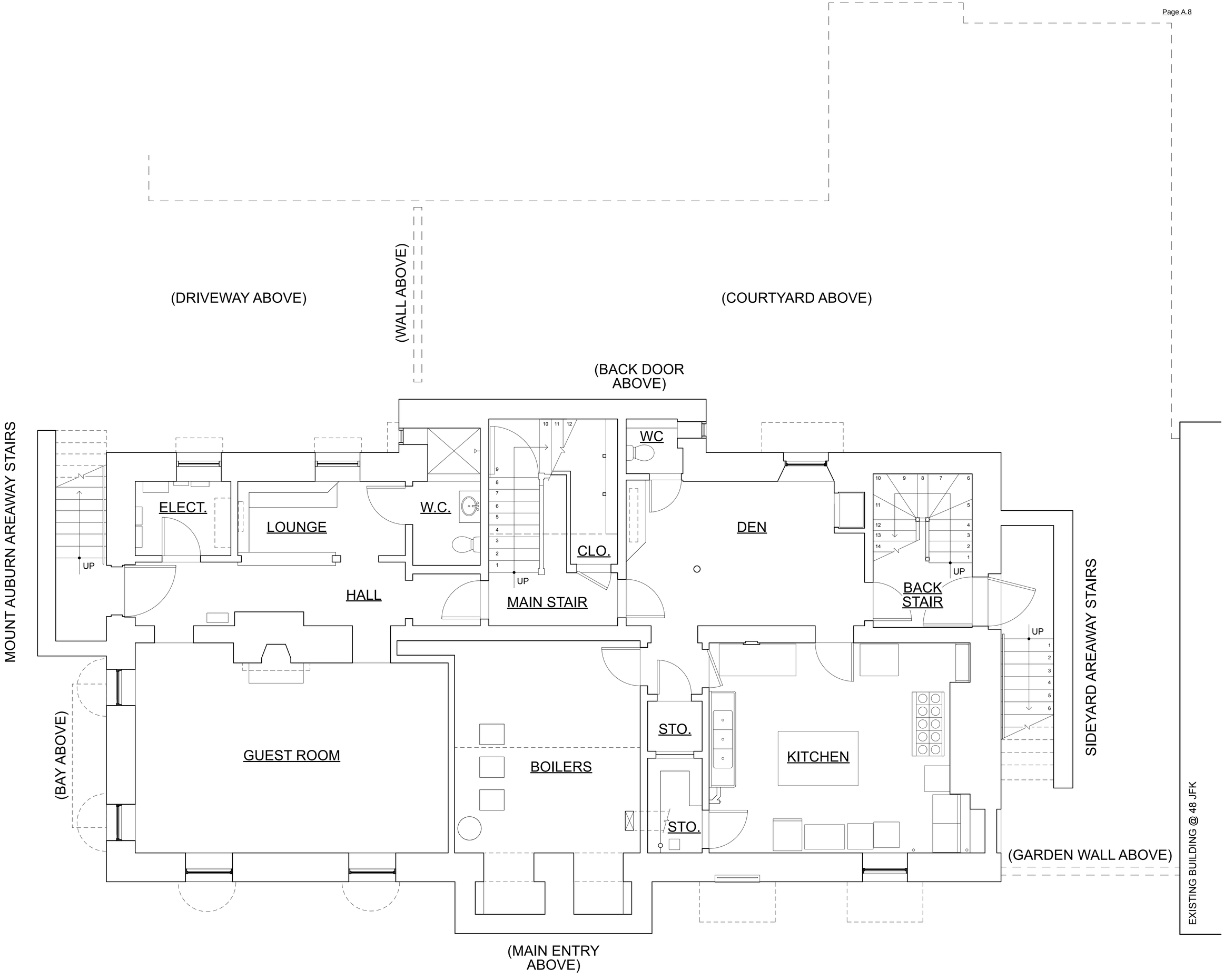
The Fox Club Renovations • 44 JFK Street, Harvard Square

PRESIDENT & FELLOWS
OF HARVARD COLLEGE
DEED BOOK 17707 PAGE 246

4 STORY
"ARCHITECTURAL FINISH" BUILDING
(OVERHANGS ARE NOT SHOWN)

PRESIDENT & FELLOWS
OF HARVARD COLLEGE
DEED BOOK 17707 PAGE 246

S29°55'03"W
LS 26.05'(C)
26'(R)
S57°17'49"E
15.15'
S30°15'56"W
65.77'
S62°25'18"E
53.78'
R=33.47
R=33.35
SUMP=29.5
DRY WELL
INVERTS
NOT VISIBLE
BRICK WALL W/
METAL FENCE
WOOD
DOOR
BRICK
PATIO
BRICK STEPS
GRAN. CAP
HVAC
WOOD THRESHOLD
37.24
WOOD
CORNICE
DS
EAVE/OVERHANG(TYP.)
WINDOW
WELL
(TYP.)
WINDOW
WELL
GRAN. EDGE
PERIMETER
BELT
COURSE
(TYP.)
CONC.
ACCENTS
GRAN. CAPPED WALL
R=26.53
GRANITE THRESHOLD
26.91
GRAN.
STEPS
26.81
26.75
AD
BAY WINDOW
PERIMETER BELT
COURSE (TYP.)
COR.
WOOD
CORNICE
2 1/2 STORY
BRICK & WOOD
BUILDING
"THE FOX CLUB IN
HARVARD SQUARE"
#46
AREA
5,317± S.F.(R)
5,314± S.F.(C)
DRYWELL
R=32.86
SUMP=25.9
N.P.V
#2
#1
OVERHEAD
LIGHTS/CAMERA
6' WOOD
OHW
LS
CU
D
TARTARIAN LLC
DEED BOOK 59506 PAGE 498
ELEV.
LOW
ROOF
STAIR
Left Side of the Addition:
Basement to Third Floor for
Small LULA Elevator and
New Stair to Replace Existing
Right Side of the Addition:
Basement + First Floor with
Low Roof over Addition;
Provides Accessible Entrance
& Route from JFK Street
4 STORY
BRICK BUILDING
#46
R=32.41
INVERTS
NOT VISIBLE
COR. BRICK
BUILDING
0.1' BACK
70.90' N58°05'31"W
87.93
N31°28'29"E
13.8'
13.5'
LANDING
33.1
VENT ON
BLDG. FACE
VENT
WOOD
DOOR 33.3
BRICK WALL W/
METAL FENCE
BRICK SIDEWALK
ELECTRIC
MT. AUBURN STREET
(PUBLIC–50' WIDTH)
BRICK SIDEWALK
CONC.
PAD
PEDESTRIAN
SIGNAL
SIG.
TACTILE
MAT
UTILITY
VAULT
HATCHES
GRANITE THRESHOLD
34.77
GRAN. STEPS
3' METAL
R=33.78
R=33.91
R=33.49
R=33.77
SMH
R=33.49
INV.=23.9
SMH(R)
MBTA ELECTRIC
JFK STREET
(FORMERLY BOYLSTON STREET)
(PUBLIC–60' WIDTH)
AAB 243



EXISTING BASEMENT PLAN

0' 4' 8' 16'

N

AAB 244

(DRIVEWAY ABOVE)

(WALL ABOVE)

(COURTYARD ABOVE)

(BACK DOOR ABOVE)

ADDITION

MOUNT AUBURN AREAWAY
STAIRS WITH PRIVATE DOOR

SEE VR #3

UP

UP

UP

SEE VR #2

ELECT
(PRIVATE)

LOUNGE

CLO
(PRIVATE)

MAIN STAIR

SEE VR #3

9 8 7 6 5 4 3 2 1

UP

CLO.

SEE VR #2

SEE VR #2

WC

DEN

PANTRY
(PRIVATE)

LULA

SEE VR #4

ELEV MACH
(PRIVATE)

36"" DOOR W/
AUTO. OPER.

BACK STAIR

UP

4 3 2 1

UP

1 2 3 4 5 6 (7) (8) (9) (10)

STORAGE
(PRIVATE)

BAR
(PRIVATE)

PASSAGE

(BAY ABOVE)

GUEST ROOM

H-CAP
66" x 102"

W.C.

FACILITIES
(PRIVATE)

KITCHEN
(PRIVATE)

(GARDEN WALL ABOVE)

EXISTING BUILDING @ 48 JFK

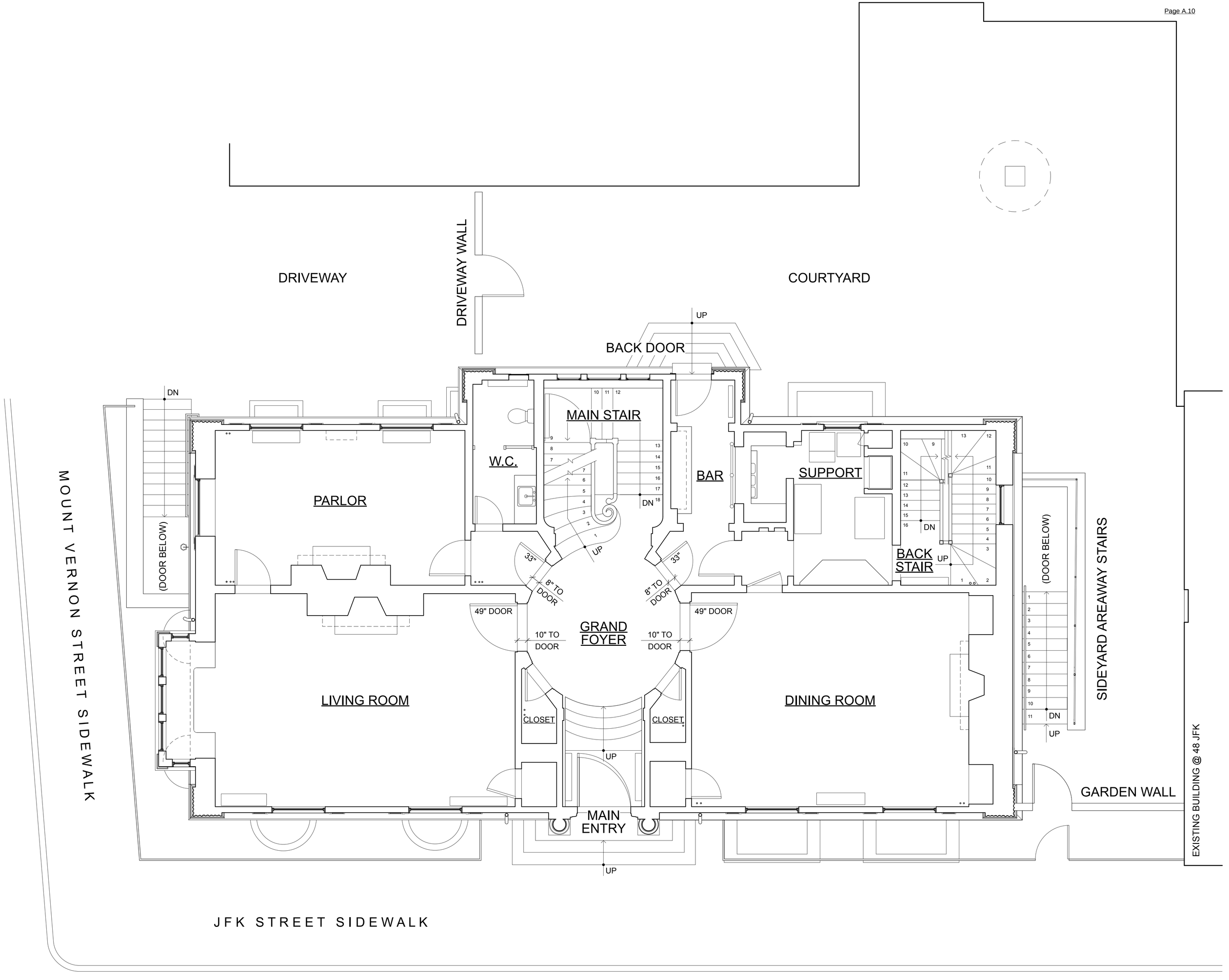
(MAIN ENTRY ABOVE)

PROPOSED BASEMENT PLAN

0' 4' 8' 16'

N

AAB 245

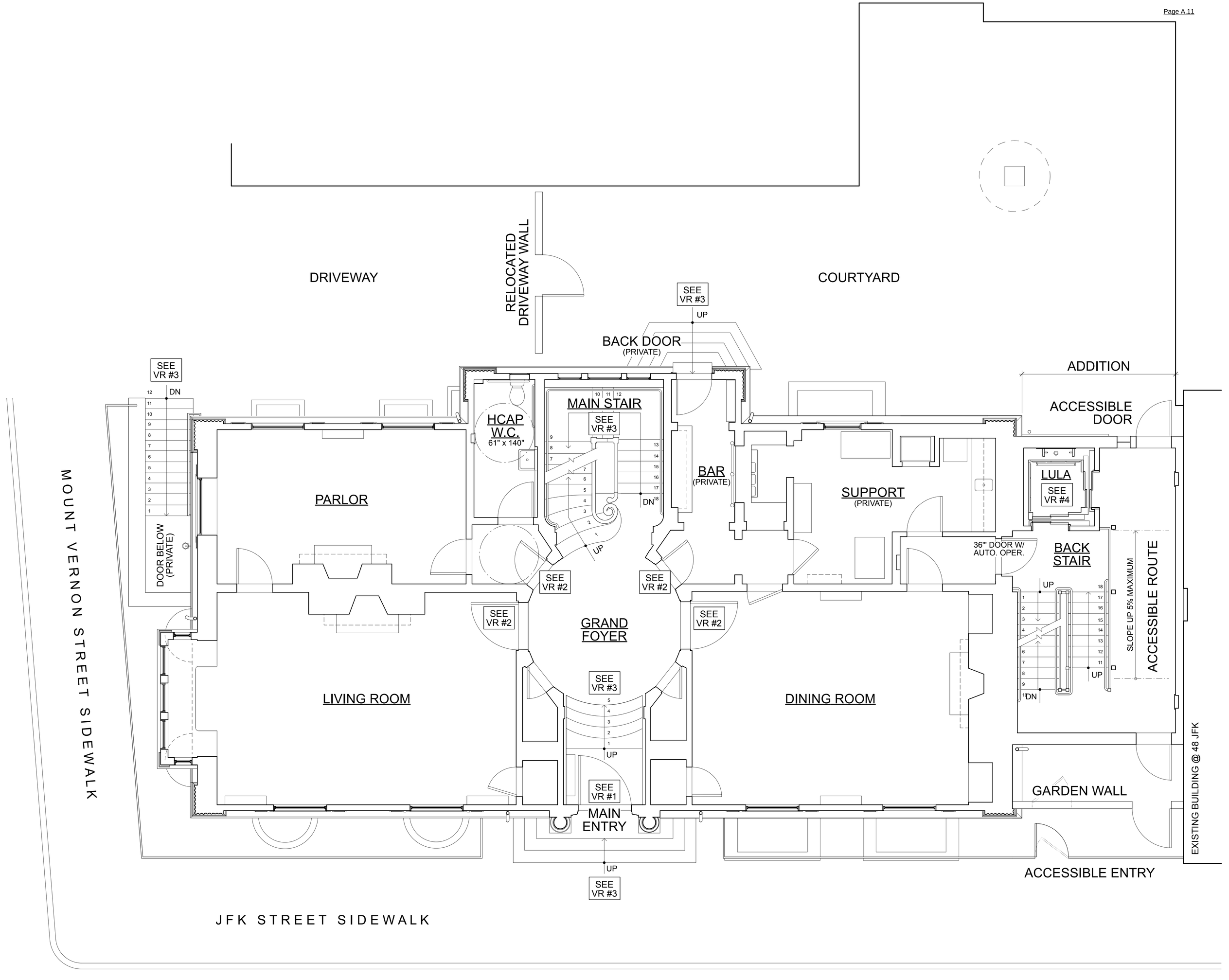


EXISTING FIRST FLOOR PLAN

0' 4' 8' 16'

N

AAB 246



PROPOSED FIRST FLOOR PLAN

0' 4' 8' 16'

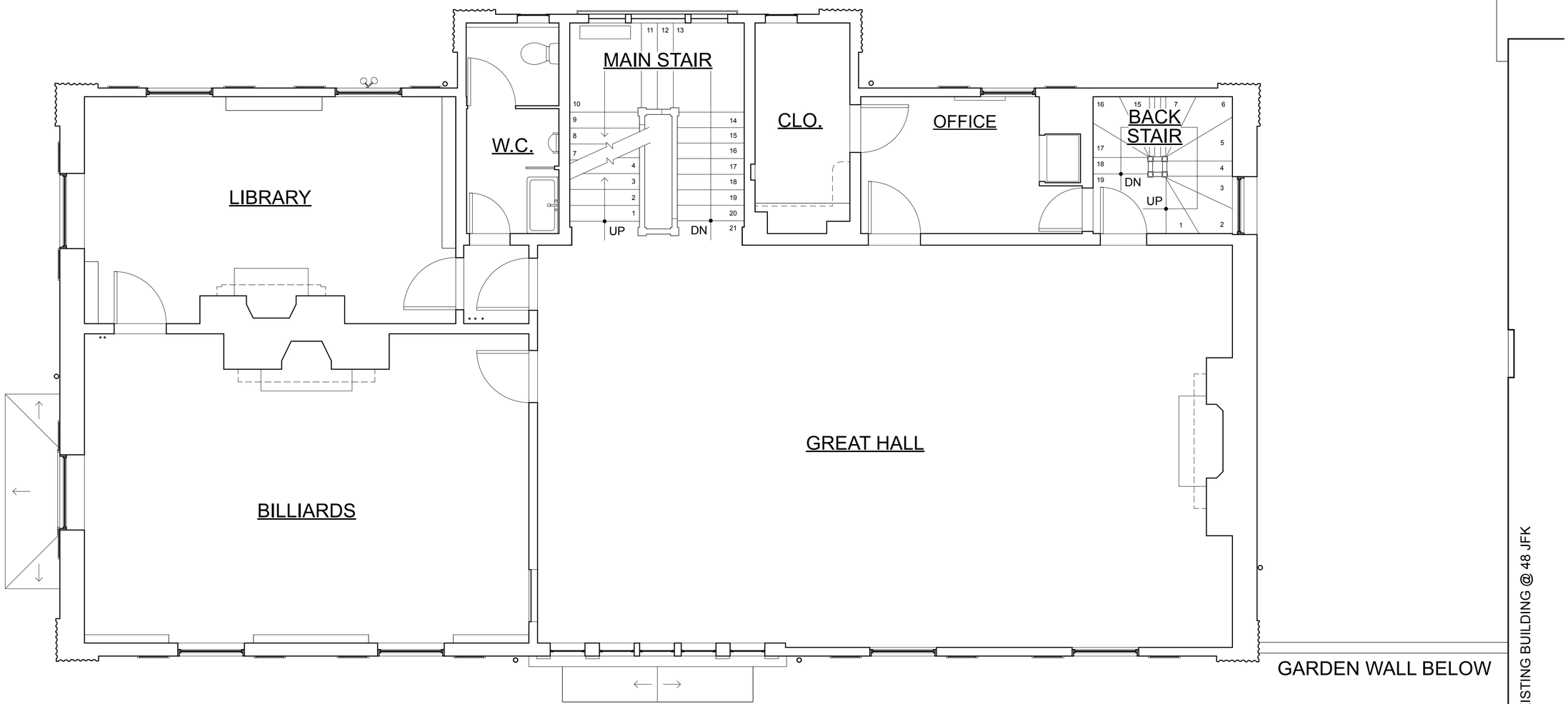
N

AAB 247

(DRIVEWAY BELOW)

(WALL BELOW)

(COURTYARD BELOW)

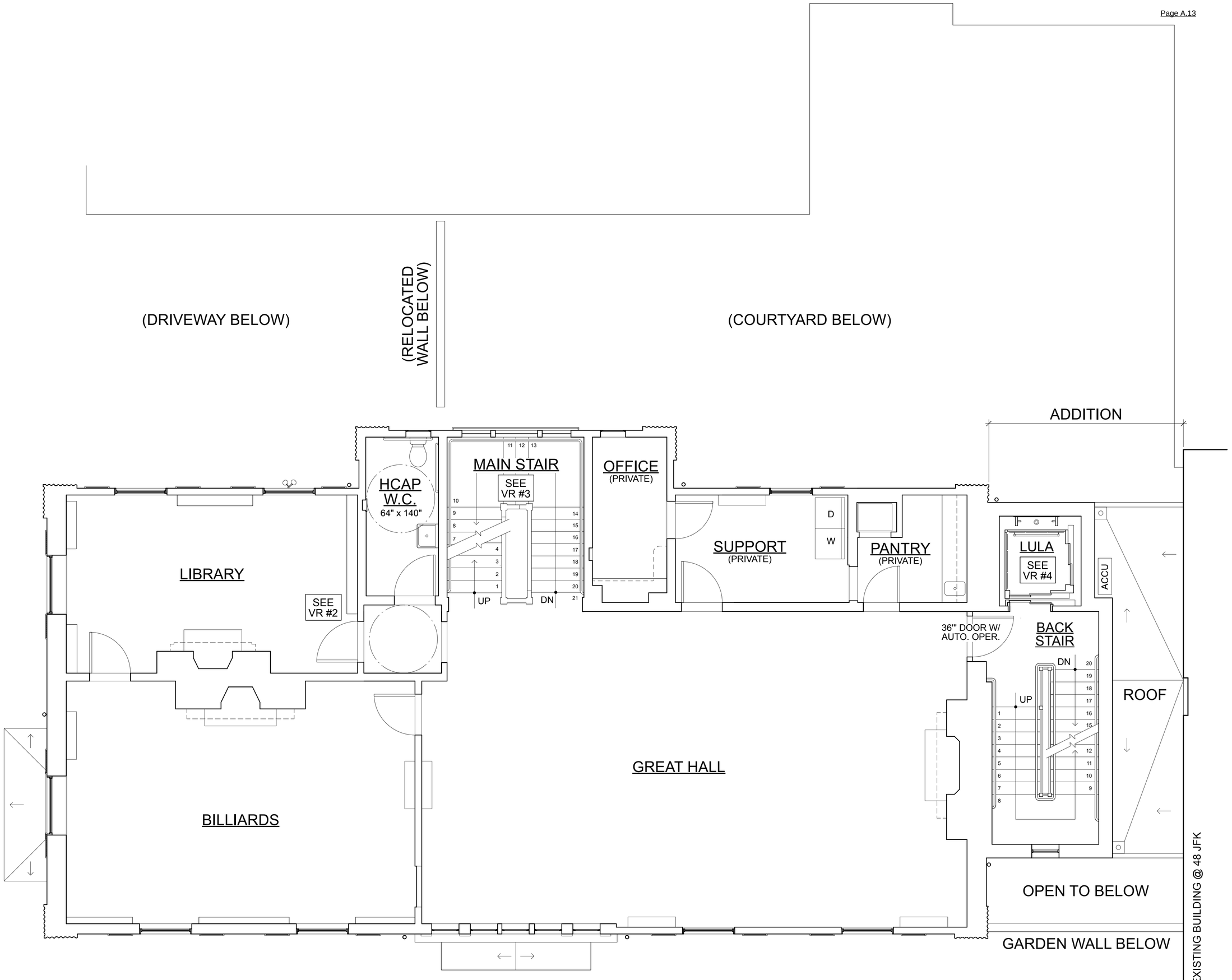


EXISTING SECOND FLOOR PLAN

0' 4' 8' 16'

N

AAB 248

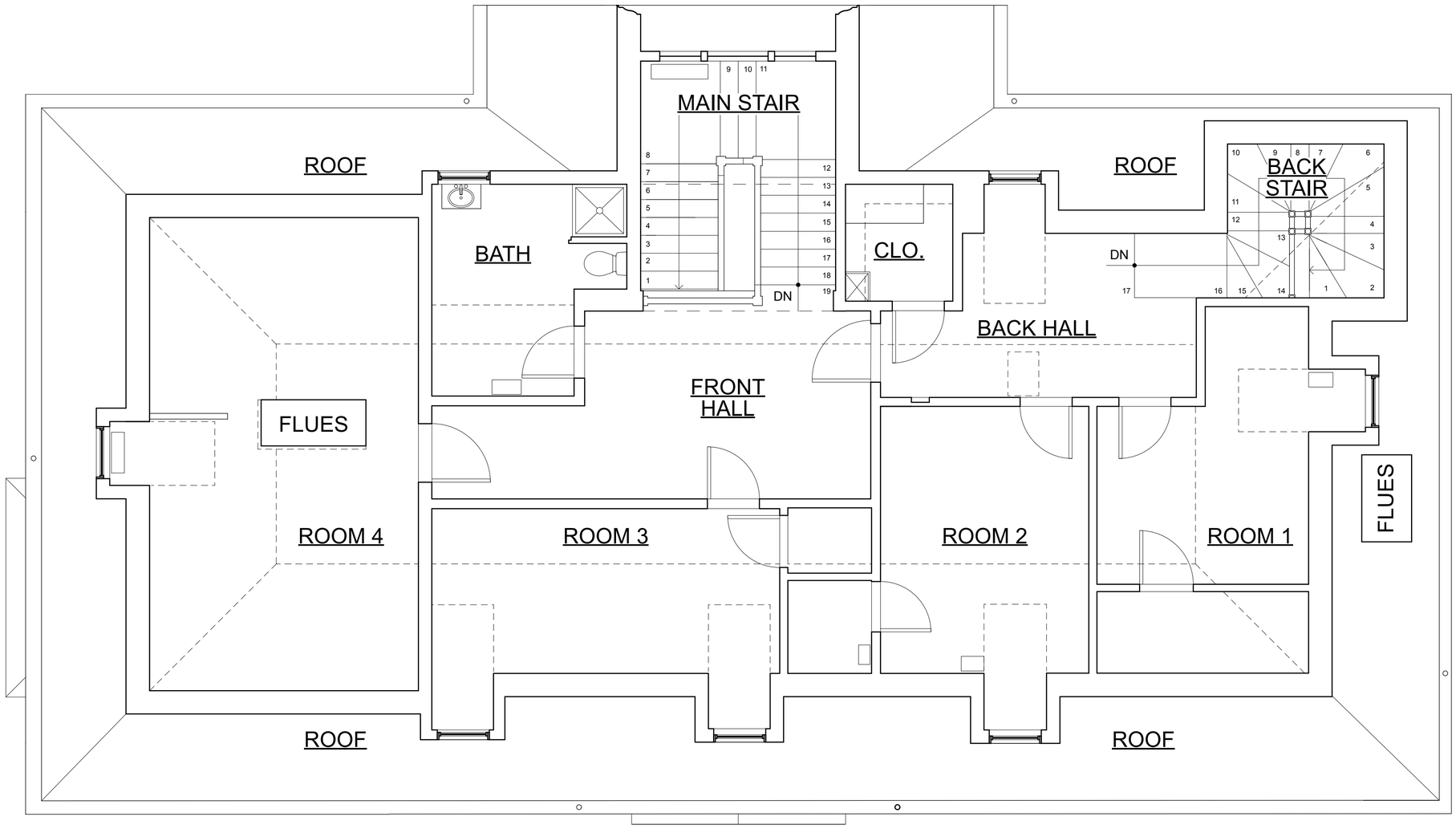


PROPOSED SECOND FLOOR PLAN

0' 4' 8' 16'

N

AAB 249

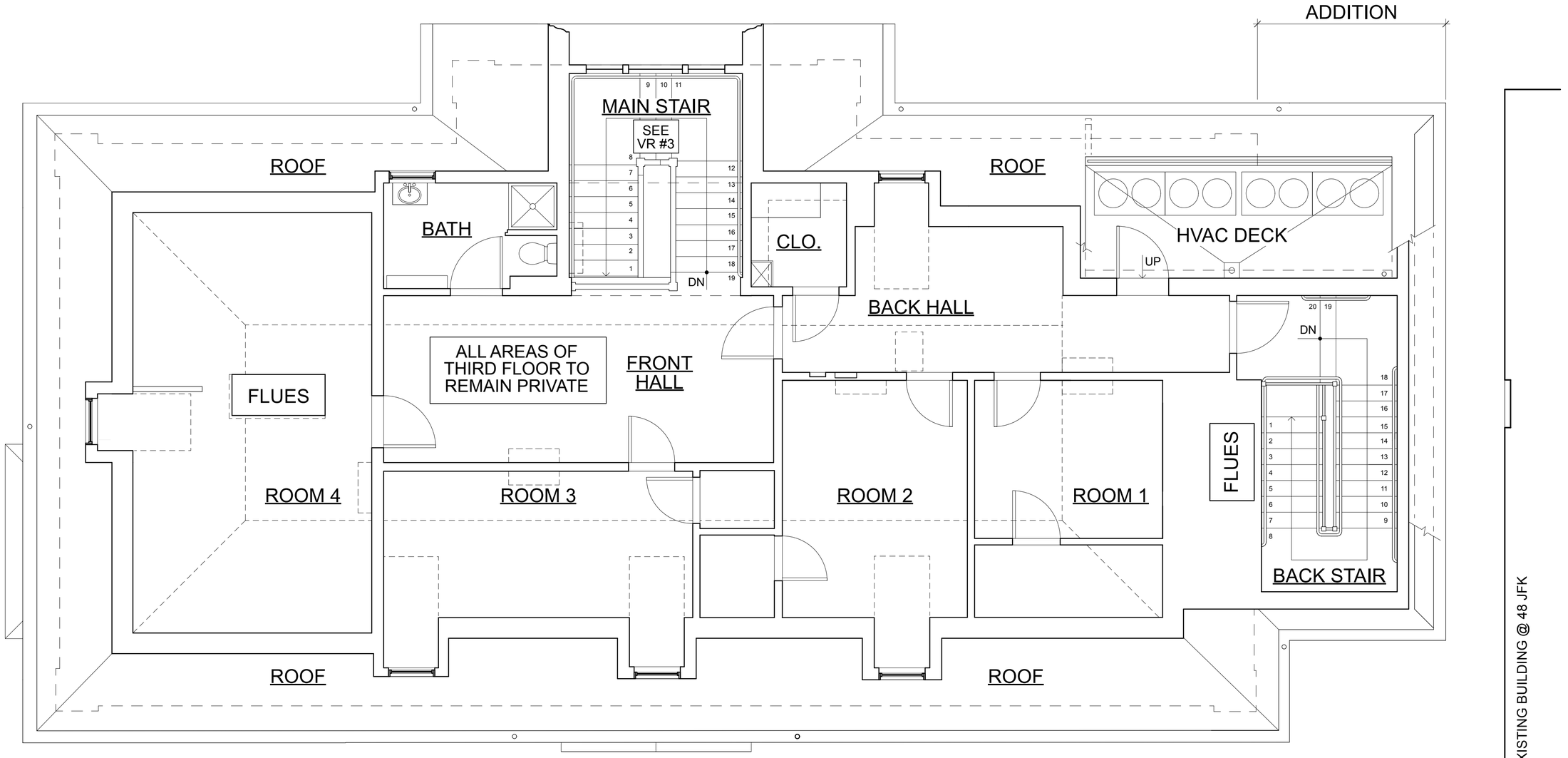


EXISTING THIRD FLOOR PLAN (PRIVATE)

0' 4' 8' 16'

N

AAB 250



PROPOSED THIRD FLOOR PLAN (PRIVATE)

0' 4' 8' 16'

N

AAB 251

EXISTING BUILDING @ 48 JFK



EXISTING WEST EXTERIOR ELEVATION (JFK FACADE)

0' 4' 8' 16'

AAB 252

EXISTING BUILDING @ 48 JFK

3

2

1

B

MAIN ENTRY
(PUBLIC)

SEE
VR #1

SEE
VR #3

ADDITION: ENTRY +
ELEVATOR + STAIRS

(BSMT. ELEV. 26.89')

(STO. ELEV. 24.56')

PROPOSED WEST EXTERIOR ELEVATION (JFK FACADE)

0' 4' 8' 16'

AAB 253

EXISTING BUILDING @ 48 JFK



EXISTING EAST EXTERIOR ELEVATION (COURTYARD FACADE)

0' 4' 8' 16'

AAB 254

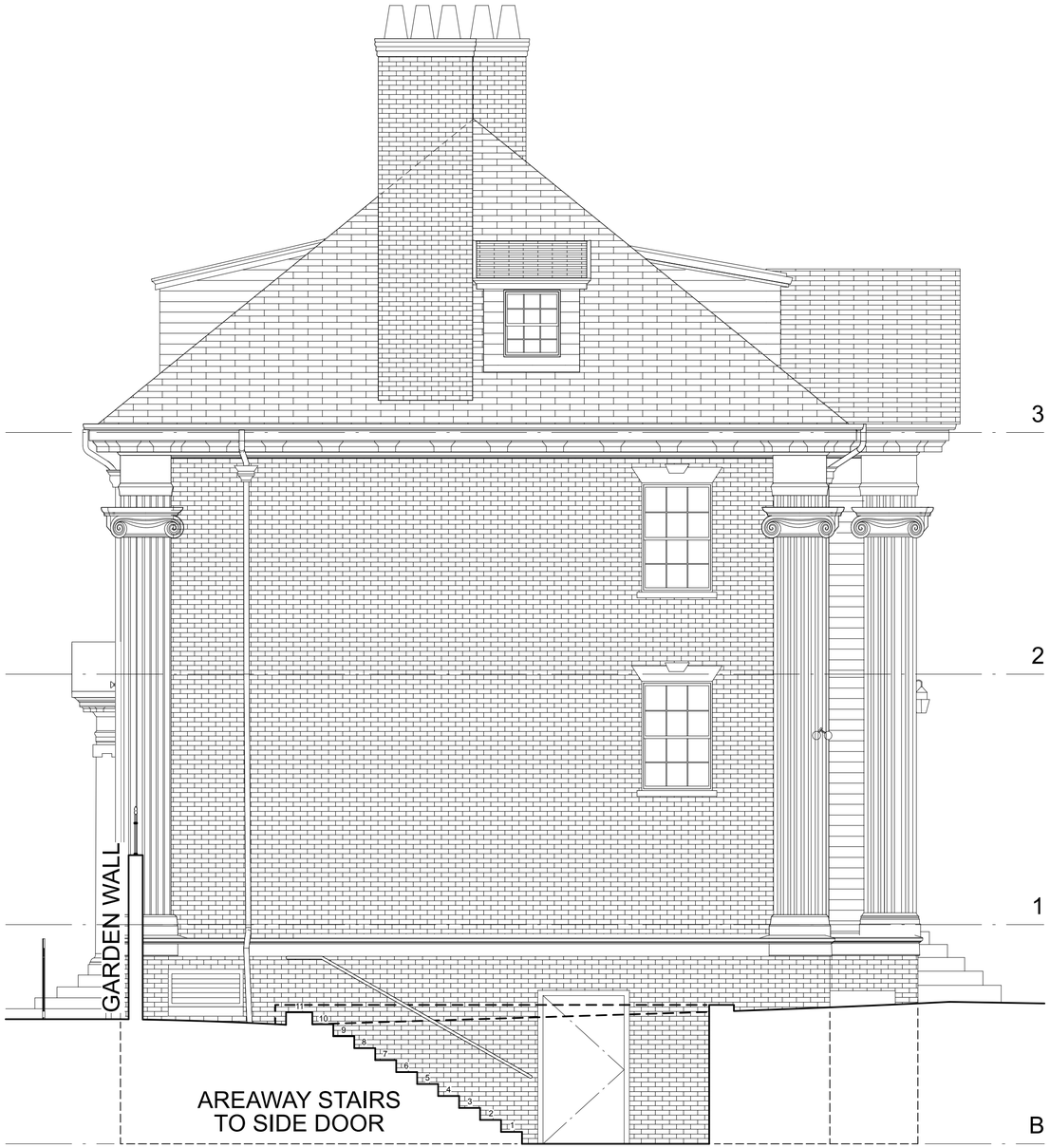
EXISTING BUILDING @ 48 JFK



PROPOSED EAST EXTERIOR ELEVATION (COURTYARD FACADE)

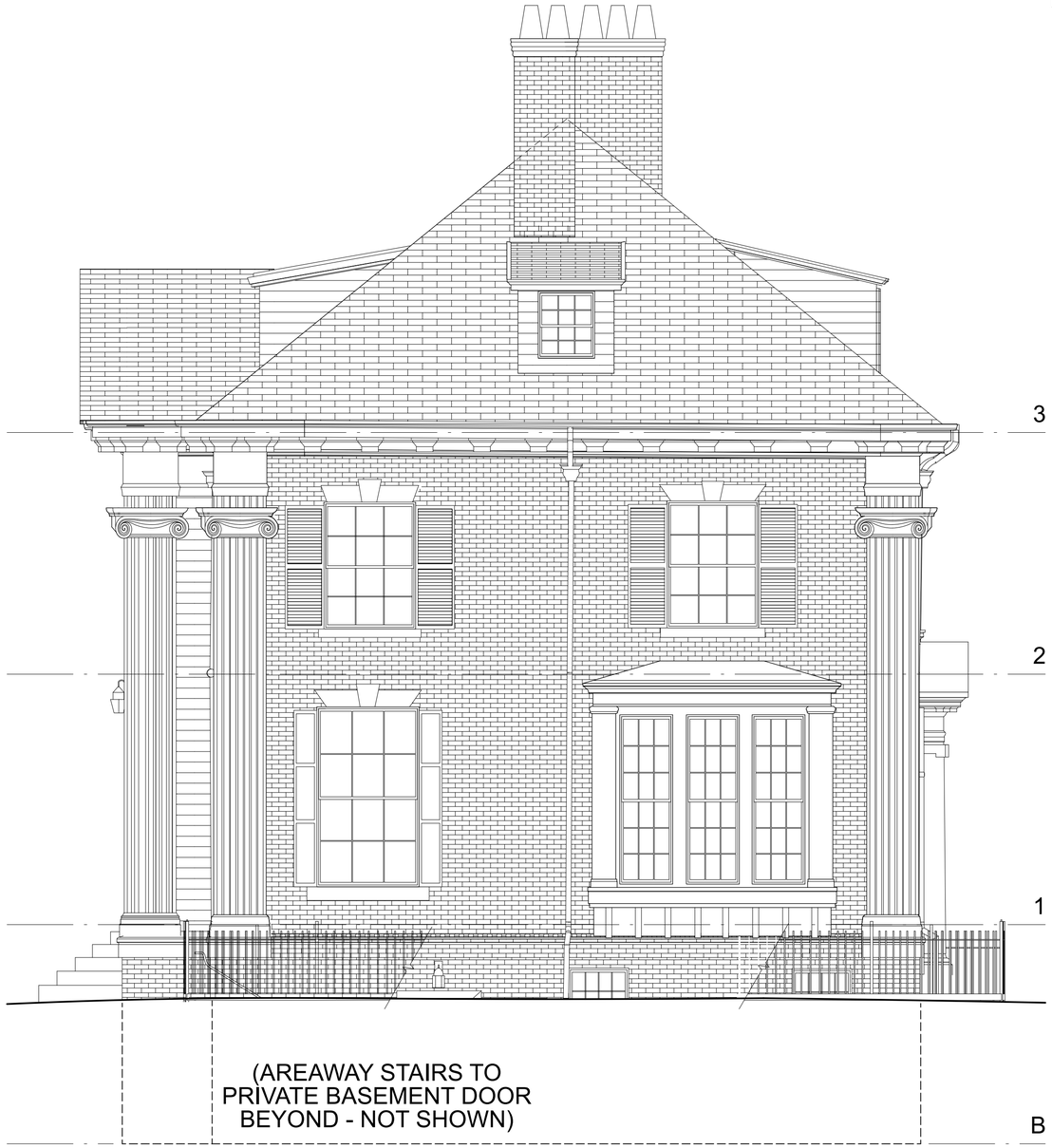
0' 4' 8' 16'

AAB 255



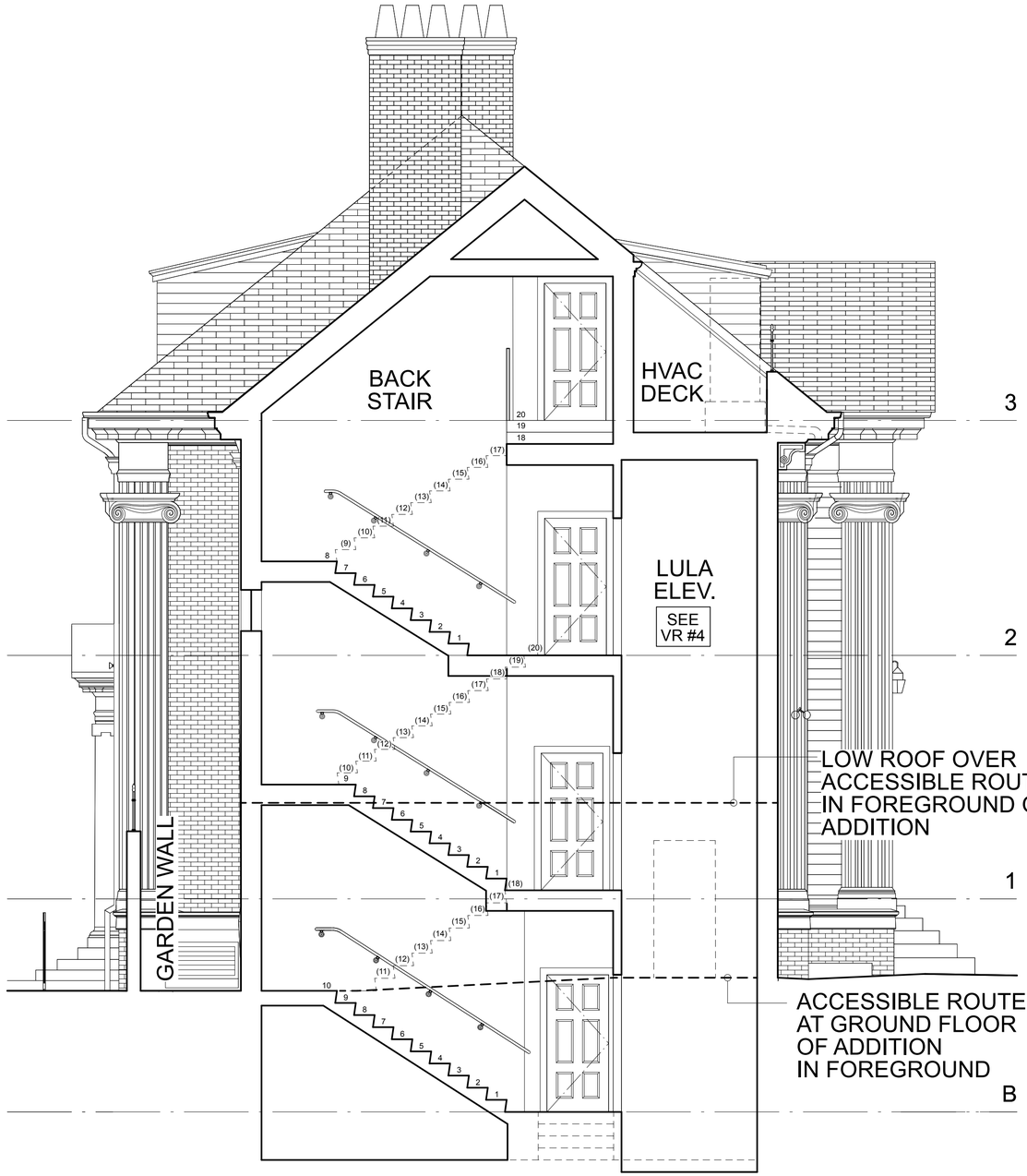
0' 4' 8' 16'

EXISTING SOUTH EXTERIOR ELEVATION (SIDEYARD FACADE)

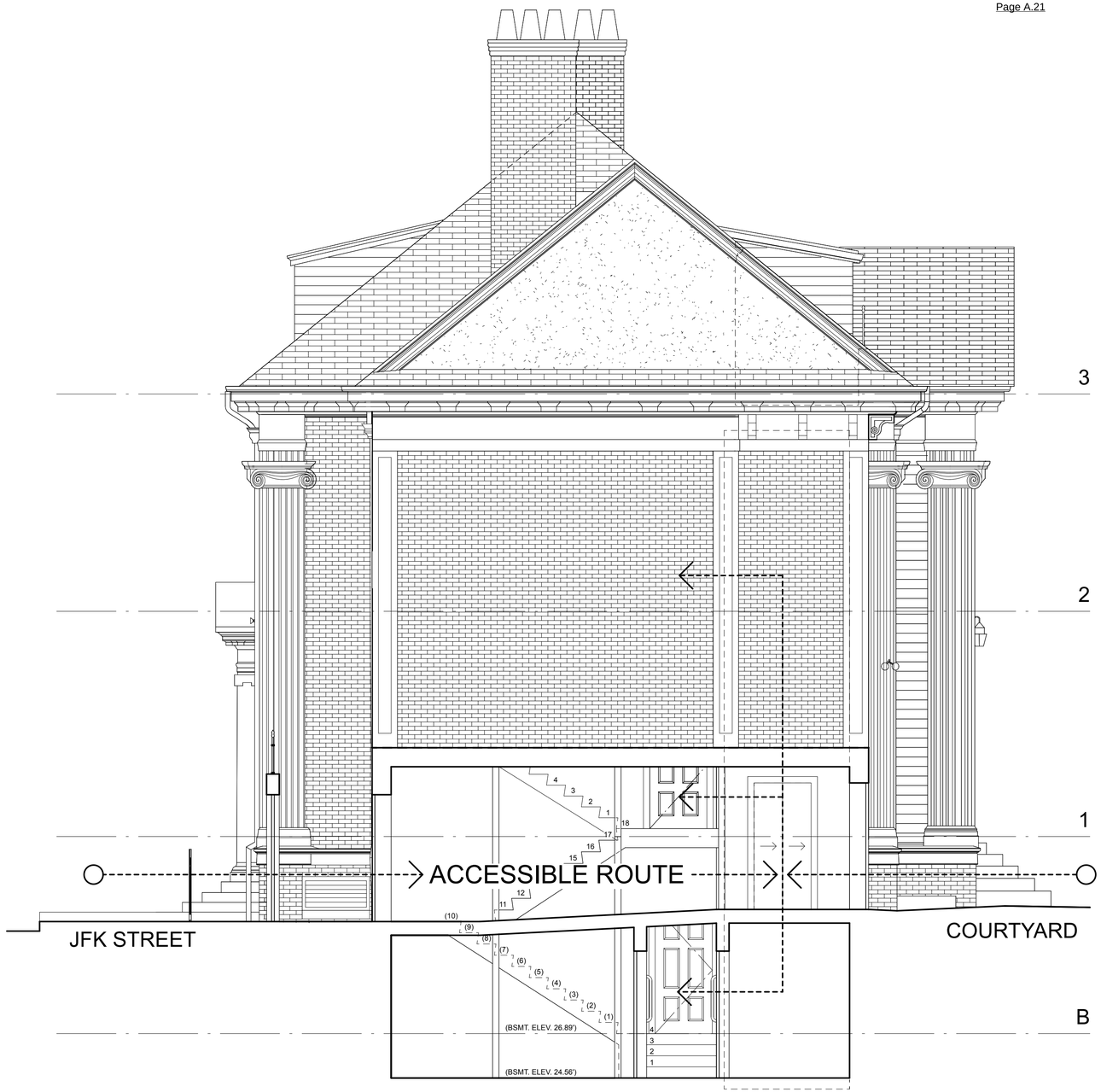


0' 4' 8' 16'

EXISTING NORTH EXTERIOR ELEVATION (MT. AUBURN FACADE)



PROPOSED SECTION THRU STAIRS & ELEVATOR



PROPOSED SOUTH ELEVATION & ACCESSIBLE ROUTE

AAB 257

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION B: 521 CMR 25: ENTRANCES

521 CMR 25.1 requires each public entrance to be accessible. At present, since this is a private club, all entrances are private. Existing exterior doors at the facility are as follows:

1. Main Entrance / JFK Street: this door will be designated as the public entrance.
2. Side Door / Mt. Auburn Street: this basement door at the areaway stairs will remain private for members only and will not be offered as an entrance to the public.
3. Back Door / Courtyard: this door is a private route to the bar and support area of the building's interior and will remain private during hosted public events.
4. Side Door / Courtyard: this door at the bottom of the south areaway stairs will become an interior door associated with the proposed accessible addition.

For hosted public events, the original entrance on the front façade will become the primary public entrance, but that entrance is not accessible and cannot be made so without significant disruption to historic features. The entrance consists of three exterior steps leading to the original door, a flush threshold at the door, an interior landing followed by five steps up to the first floor. The difference in grade between the sidewalk and first floor is 48". The front façade is setback less than 48" from the sidewalk, so an exterior ramp is not feasible. To make the front entrance accessible, the following work would be required:

- Remove three original pyramidal stone steps at the exterior entrance stoop.
- Lower door and threshold elevation at the entrance to meet grade.
- Extend column plinths to new grade and increase height of door transom.
- Lower the interior landing upon entry to meet finished grade of the exterior.
- Construct interior foyer stairs for the 48" rise to the first finished floor.
- Provide a vertical wheelchair lift with 90-degree door configuration for access.
- Replace two oversized 49" doors in the foyer with 36" doors due to disruptions.
- Significantly alter the historic character of the original circular Grand Foyer.

In lieu of disrupting the historic entrance and foyer, an addition is proposed on the south side of the building with an accessible entrance from JFK Street. A sign at the main entrance will direct visitors to the accessible entrance.[1] The addition will include an accessible route from JFK Street to the outdoor courtyard space, an elevator for vertical access, and a reconstructed stair to replace the existing winder stairway. The addition provides extensive functionality for meeting overall accessibility requirements for the facility while supporting the historic integrity of the building.

The cost of making the front entrance accessible is $255,000 and disrupts historic character. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities, especially since the proposed addition provides multiple advantages for accessibility that extend well beyond the public entrance component.

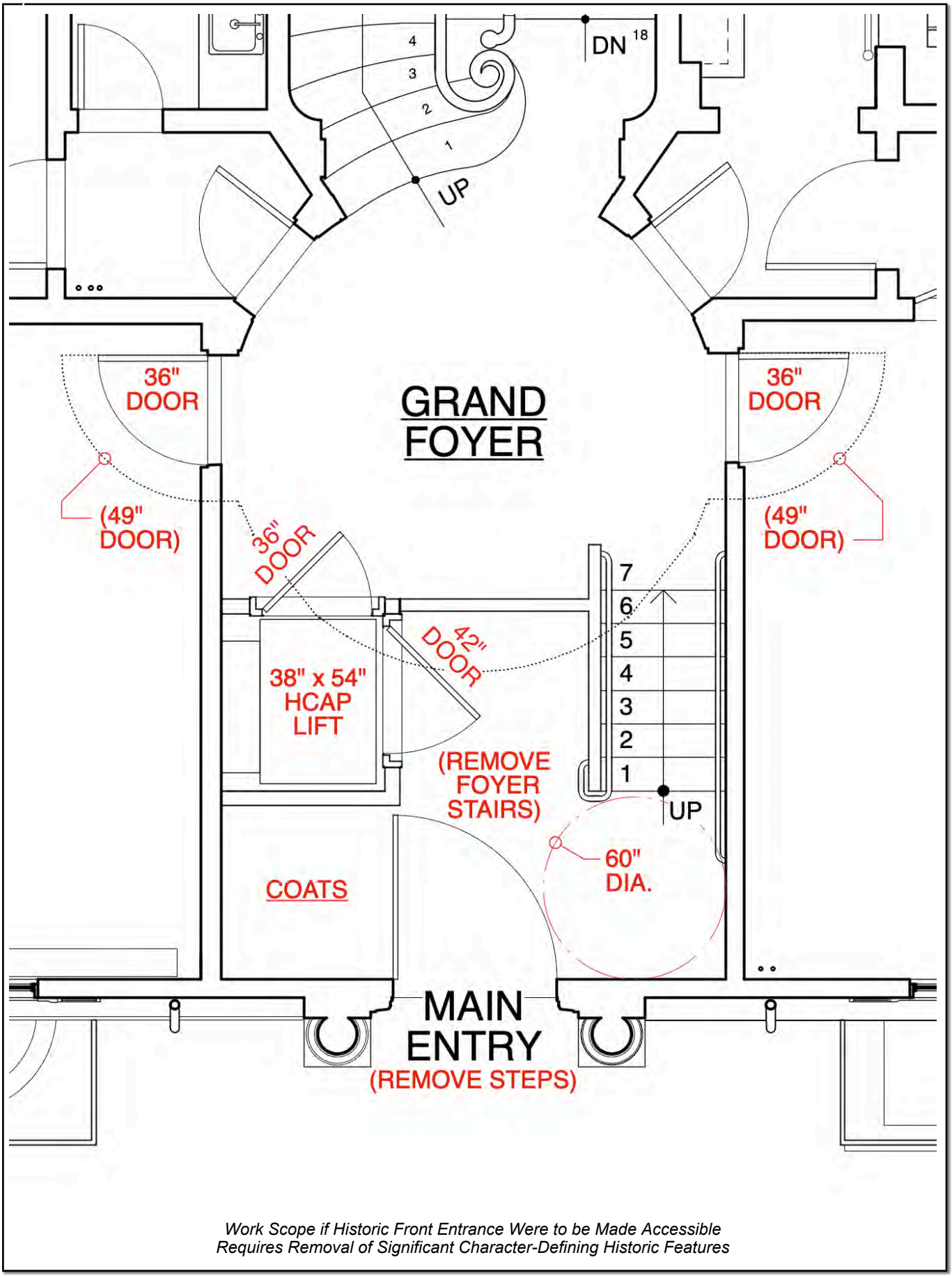
[1] Two other exterior signs will be provided for accessible entry to the building: one at the top of the areaway stairs leading down to the private basement entrance on Mt. Vernon Street, and another in the courtyard at the private back door to the bar and support areas directing to the accessible back courtyard door in the addition.



Three Steps Up to Public Entrance and Limited Depth Between Sidewalk and Facade Does Not Allow Space for an Accessible Ramp



Five Steps Up from Central Entrance to Grand Foyer;
First Floor Level is 48" Above Sidewalk Grade



Work Scope if Historic Front Entrance Were to be Made Accessible
Requires Removal of Significant Character-Defining Historic Features



Proposed Accessible Entrance at Addition to the South of Historic Main Entrance on JFK Street

Request #1: COST of FULL COMPLIANCE to 521 CMR 25 ENTRANCES	
25.1: MODIFICATION OF FRONT ENTRANCE FOR ACCESSIBILITY	
$16,000	Remove Exterior Steps and Replace/Waterproof Slab Above Basement
$11,500	Lower Threshold and Door at Entrance to Meet Grade at Exterior Wall
$4,500	Extend Door Surround Columns with Extended Plinths to Meet Grade
$12,000	Replace Decorative Transom Sash and Bar with Taller Custom Version
$17,000	Remove Interior Stairs and Floor Framing; Reframe for Reconfiguration
$25,000	Provide Replacement Interior Stairs, Guards, and Railings to First Floor
$22,500	Replace Two Oversized 49" Wide Original Foyer Doors & Frames
$40,000	Provide Vertical Wheelchair Lift with Two Doors Over Recessed Floor
$15,500	Modify HVAC Units in Entry Area and Provide Power to Vertical Lift
$25,000	Railings, Finishes, Lighting, and Associated Miscellaneous Modifications
$189,000	Subtotal of Estimated Direct Trade Costs
$66,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$255,000	**Estimated Project Cost for Full Compliance at South Entrances**

Estimated Cost of Full Compliance for Conversion of Historic Entrance to an Accessible Entrance

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION C: 521 CMR 26: DOORWAYS / Variance Request #2

521 CMR 26.1 requires doors along accessible routes to comply with all provisions of this section of the regulations. The following improvements and upgrades to existing doors will be implemented such that they will not require any variance requests:

- Two doors with less than 32" clear width when open will receive swing-clear hinges.
- Three doors in the addition stair will receive automatic opening devices due to the limitations in the connection from the existing building.
- The accessible entrance from the front will receive an automatic opening device since it is in series with the outer garden wall wooden gate but has limited depth.
- Original wood thresholds will be re-shaped to comply with floor level requirements.
- Doorknobs will be replaced with period-appropriate lever handles for operability.

Variances are requested from 521 CMR 26.6 to address maneuverability issues related to eight doors located in four areas of the historic facility as described below.

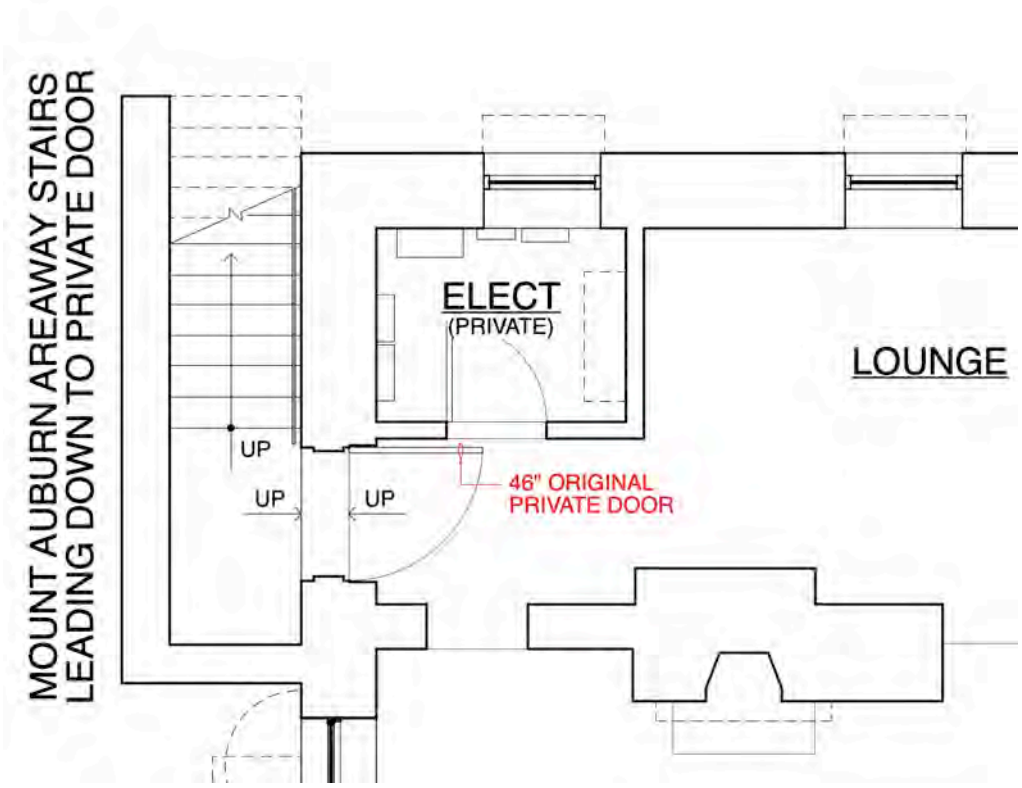
Basement / Mt. Auburn Private Door: An oversized 46" original wood door is in the north façade at the base of areaway stairs. This is a members-only private entrance and, while not part of an accessible route for the public per se, it does serve as a second means of egress from the basement. Relief from installation of an automatic opening device is requested.

Basement / Pair of Doors at Main Stair: The central stair has two outswing doors that have adequate pull side clearance but minimal push side clearance. During public events, these doors will be held open with magnets that release in the event of a fire alarm.

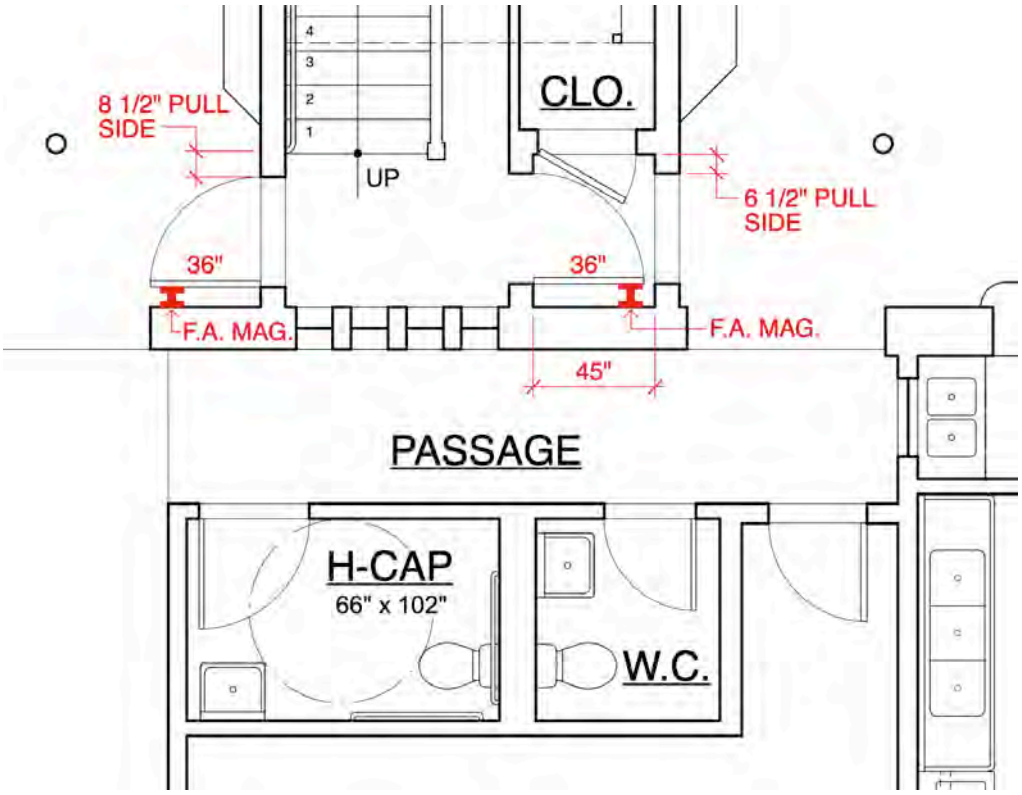
First Floor / Four Doors in the Grand Foyer: The character-defining circular foyer has two 49" doors and two 33" doors that, due to the thickness and geometry of the walls, do not meet maneuverability clearances. As noted previously, swing-clear hinges will be provided for the smaller doors, all four doors will receive lever handles, and all will have their thresholds reshaped. Since public events are hosted by the members, the club's policy states that doors to public areas will be left open, rendering maneuverability clearance as a moot issue.

Second Floor / Library: The door into the library has limited pull side clearance due to the adjacent original built-in bookshelves. This could be corrected by modifying the bookcases or adding an automatic opening device. Since this door will be left open during public events in accordance with club policy, the cost of disrupting historic conditions is excessive.

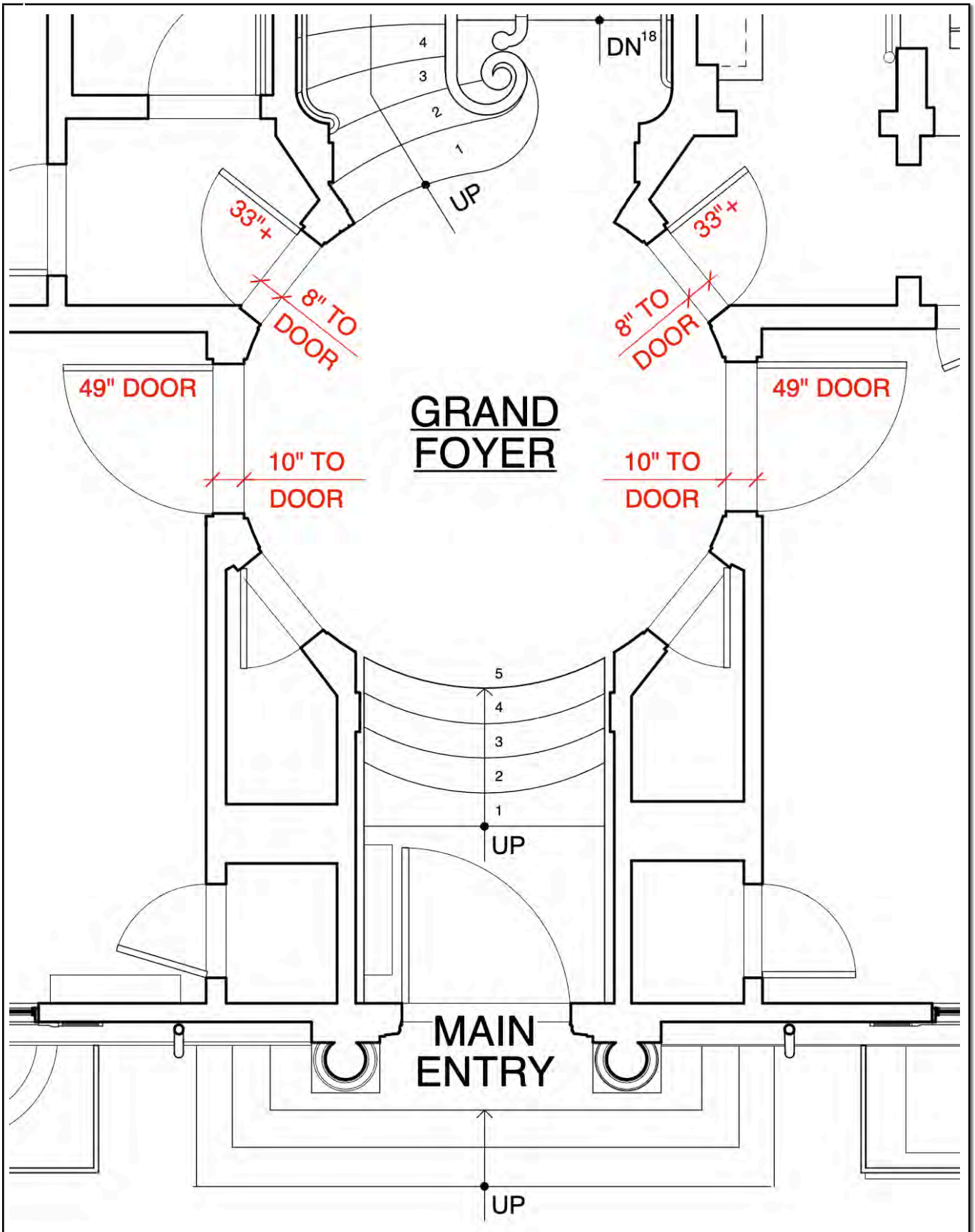
The cost of full compliance for maneuverability at these doorway locations is $170,000 and required modifications would disrupt historic character. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities.



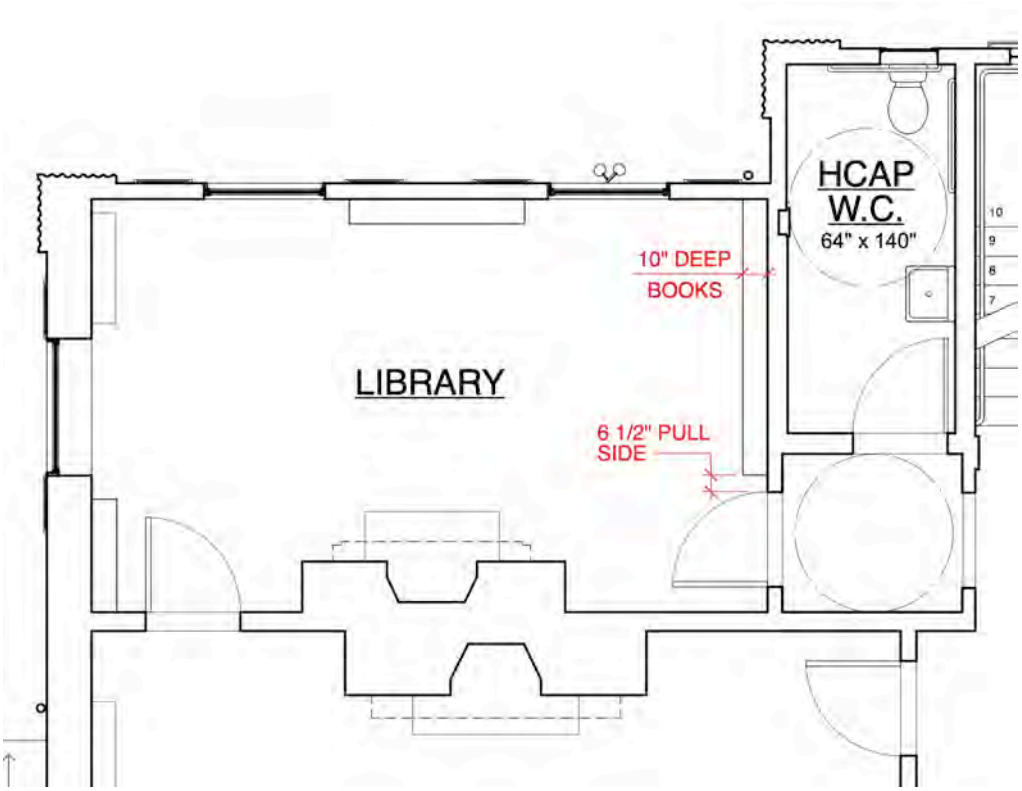
Members-Only Entrance Door at Bottom of Areaway Stairs in Oversized Width Fills Full Breadth of the Masonry Opening; Not Part of Accessible Route



Doors at Lowest Landing of Grand Staircase Swing Out to Basement and do not Fully Comply with Maneuverability Clearances; Magnetic Fire Alarm Hold-Open Devices will be Used During Public Events



Original Doors in the Deep Circular Character-Defining Walls of the Grand Foyer do not Fully Comply with Maneuverability Clearances; Doors to be Kept Open During Public Events in Accordance with Club Policy



Second Floor Library Door has Limited Pull Side Clearance Due to Original Bookcases; Door to be Kept Open During Public Events in Accordance with Club Policy

Request #2: COST of FULL COMPLIANCE to 521 CMR 26 DOORWAYS	
26.6: MANEUVERING CLEARANCES AT SELECTIVE DOORWAYS	
$16,000	Basement Mt Auburn Areaway: Auto Operator for 46" Private Door
$24,000	Basement Main Stair: Auto Operators for Two 36" Doors
$27,500	First Floor Foyer: Auto Operators for Two 49" Original Doors
$18,500	First Floor Foyer: Auto Operators for Two 33" Original Doors
$7,000	Second Floor Library: Modify Bookshelves, Flooring, Wall & Trim
$14,000	Electric Strikes for Seven Door Latches in Frames
$23,000	Power, Concealed Wiring, Patching, Painting
$130,000	Subtotal of Estimated Direct Trade Costs for 26.6 Compliance
$40,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$170,000	**Estimated Project Cost for Full Compliance at Doorways**

Cost of Full Compliance for Doorways

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION D: 521 CMR 27: STAIRS / Variance Request #3

The Massachusetts State Building Code *780 CMR 34 – Existing Buildings* accepts handrails and guards by reference to the *2015 International Existing Building Code – Chapter 12 / Historic Buildings* per Sections 1203.9 and 1203.10. However, 521 CMR 27.1 states that "all stairs are required to comply" with the accessibility regulations of 521 CMR 27. Relief for stair nosings (27.3) and handrails (27.4) of the historic building are requested below.

As stated in 27.3, risers shall be sloped or the underside of nosings shall be angled. The historic facility has three types of nosings and risers that do not meet current accessibility regulations but do not appear to be unsafe or create tripping hazards.

1. Granite steps with vertical risers at 3 steps leading to the main entrance and 12 areaway stairs serving the basement door for members only at Mt. Auburn Street.
2. Bluestone treads projecting 3/4" from brick risers at the pyramidal stairs leading to the private back door serving the bar and support spaces; not an egress stair.
3. Interior wood nosings projecting 7/8" with traditional molded scotia below treads forming an angle of 57.5-degrees from horizontal.

As stated in 27.4, stairways shall have continuous handrails on both sides of all stairs at a height of 34" to 38" measured above the nosings. Historic conditions are as follows:

- Front Entry: no handrails at the exterior (3 steps) or interior foyer (5 steps). Relief is requested for acceptance of historic conditions and configurations.
- Grand Staircase: central guard at 29" above nosings and 37" above floor landings with no perimeter handrails at wainscoting. Acceptance of the guard is requested, and continuous wall-mounted handrails are proposed with clearance below the chair rail at 32.75" above nosings and 36.5" to 38" above landings. To comply with minimum 34" AFF would require replacement of the original wainscoting chair rail.
- Mt. Auburn Areaway Private Stairs: request acceptance of one historic handrail mounted to building wall at 34" above nosings.
- Back Door Private Stairs: request acceptance of no handrails since this is not a public stair and is not required for egress from the interior.

Note that the proposed new stair in the addition, which will serve all four levels of the building, will be fully compliant with current building codes and accessibility regulations. The addition will have accessible entrances in the front and in the courtyard. Signs at the main entrance and the two private stairs will direct visitors to the accessible entrances into the addition with its fully compliant stairway and elevator.

The cost of making all stairways compliant is $410,000 and disrupts historic character. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities, especially since the proposed addition provides a fully compliant stairway serving all floor levels of the facility and an elevator serving the public levels.

220216-IMG_0819.JPG



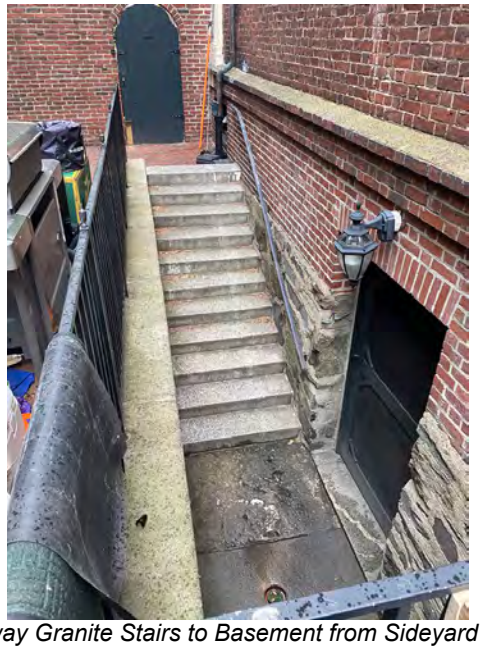
Main Entrance on Front Facade with Original Granite Steps to Landing at Flush Stoop; No Railings; Proposed Addition to Fully Compliant Stairs Beyond

230425-IMG_0718.JPG



Interior Steps at Main Entrance to Grand Foyer; Carpeted Wood Stairs with No Railings; Grand Staircase Beyond

220718-IMG_1857.JPG



Areaway Granite Stairs to Basement from Sideyard to be Removed for Accessible Addition with Entrances from JFK Street & Courtyard, Elevator, and New Stair

220718-IMG_1855.JPG



Stairs in Courtyard at Private Back Door to the Bar and Support Areas; Proposed Addition at Left Includes Accessible Courtyard Entry, Stair & Elevator

AAB 268

230608-IMG_0989.JPG



Granite Areaway Stairs to Private Members-Only Entrance Adjacent to Mt. Auburn Street; Original Handrail to Right Side of Stairs

230608-IMG_0990.JPG



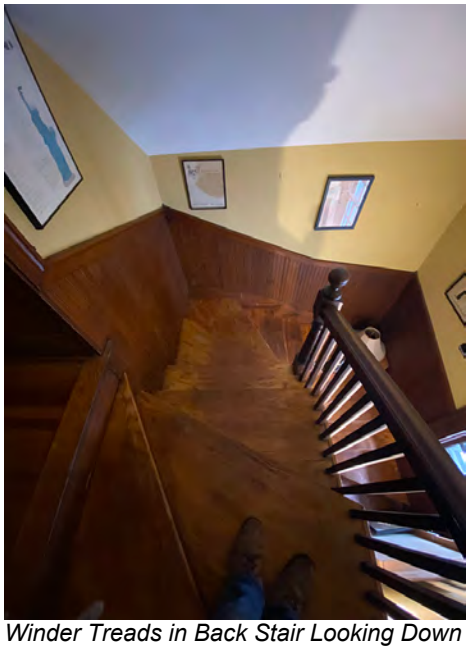
Railing at Mt. Auburn Areaway Stairs at 34" Above Nosing with 1.5" Clearance to Wall

230608-IMG_0991.JPG



Custom Fox Casting at Areaway Stairs to Mt. Auburn Members-Only Entrance

220718-IMG_1848.JPG



Winder Treads in Back Stair Looking Down from Third Floor; Stair to be Removed and New Code-Compliant Stair to be Provided in Addition

220718-IMG_1840.JPG



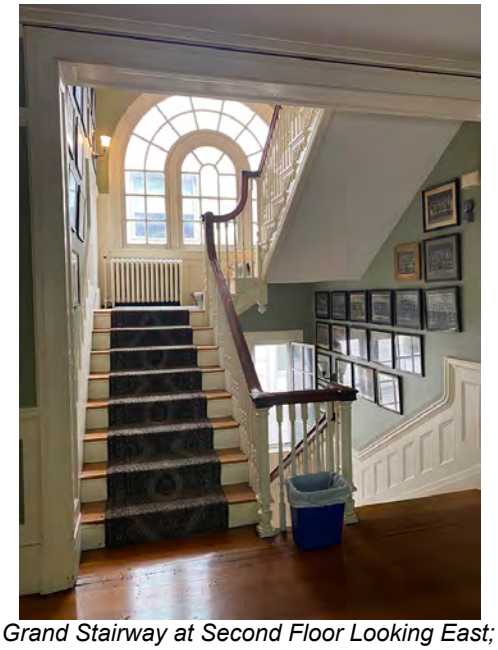
Original Grand Stair Balustrade Looking Toward Central Foyer and Front Entrance

220718-IMG_1841.JPG



Details at Original First Floor Stair Balustrade of 1902 Grand Staircase Adjacent to Foyer

220718-IMG_1851.JPG



Grand Stairway at Second Floor Looking East; Continuous Wall Mounted Handrails Proposed at the Perimeter Wood Wainscoting

230425-IMG_0707.JPG



Detail of Stair Risers, Carved Stringers, Newel Posts, Drop Finials, and Balusters

230608-IMG_1001.JPG



Original 1902 Wainscoting at Grand Staircase at Perimeter Walls; Continuous Railings to be Provided with Required Clearance to Chair Rail

230608-IMG_1002.JPG



Original 1902 Guard at Grand Staircase; Top of Guard at 29" Above Nosings

230608-IMG_0999.JPG

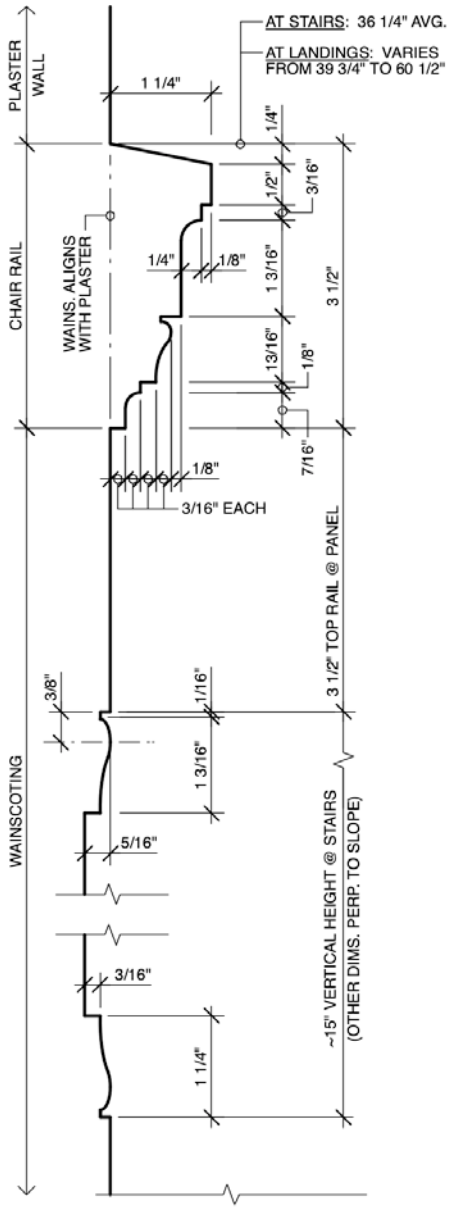


Original 1902 Guard of Grand Staircase at Landings

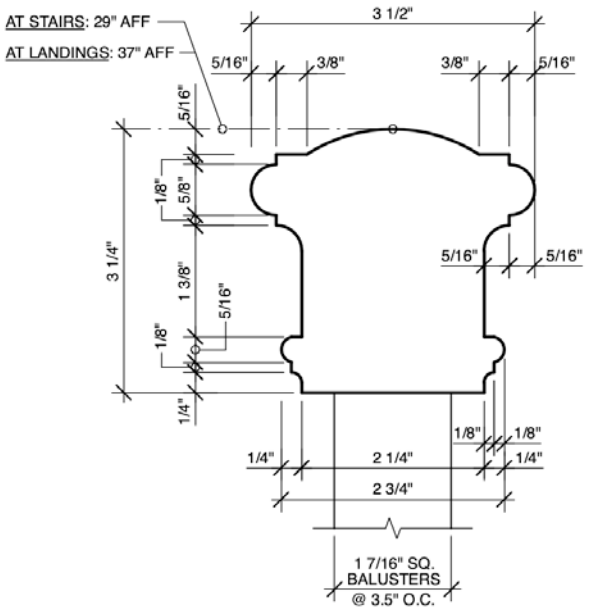
230608-IMG_1003.JPG



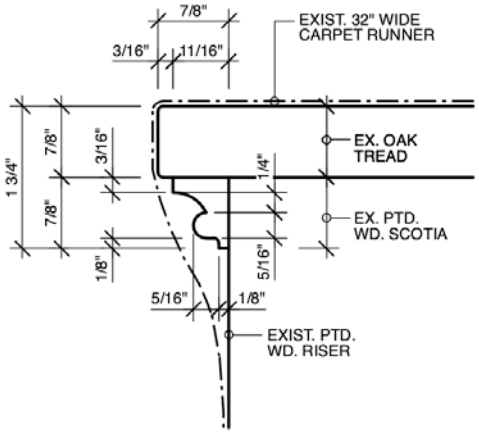
North Elevation at Second Floor Landing; Note that the Radiator & Piping will be Removed for Placement of Continuous Wall-Mounted Handrail



3 A-30 EX. STAIR WAINSCOTING
Scale: Half Actual Size

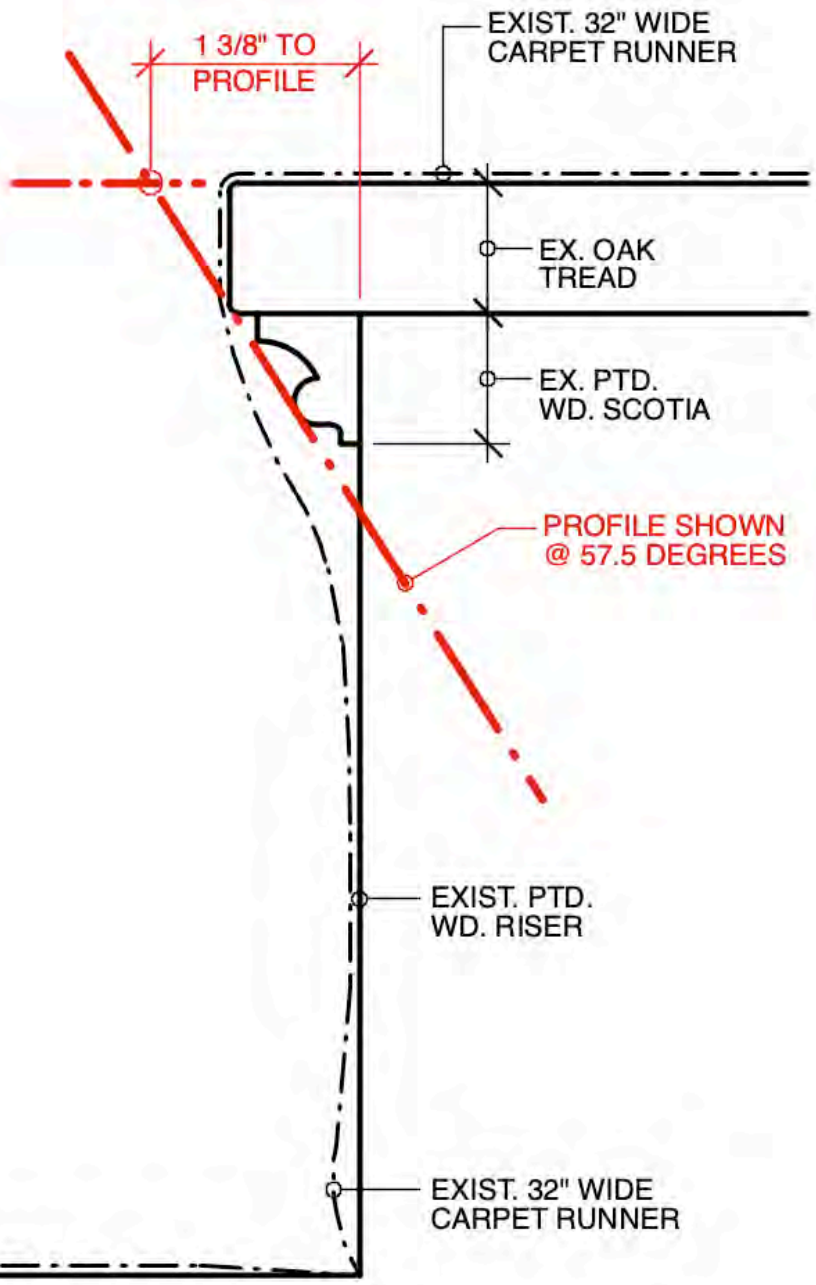


1 A-30 EXISTING GUARD RAIL
Scale: Half Actual Size



2 A-30 EXIST. STAIR NOSING
Scale: Half Actual Size

Original Details of 1902 Grand Staircase at Wainscoting, Central Guard, and Nosings

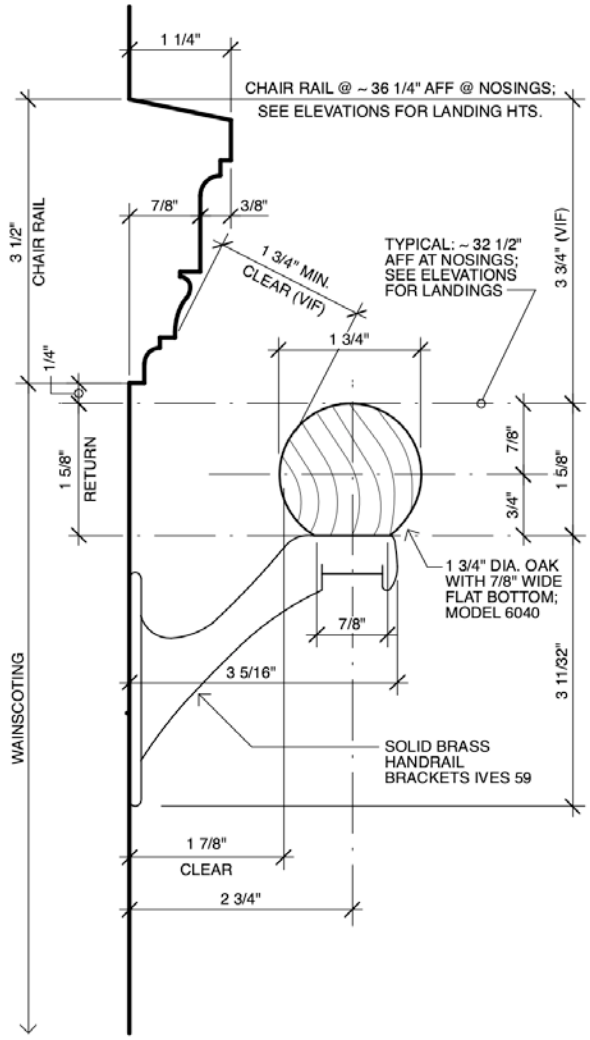


2
A-30

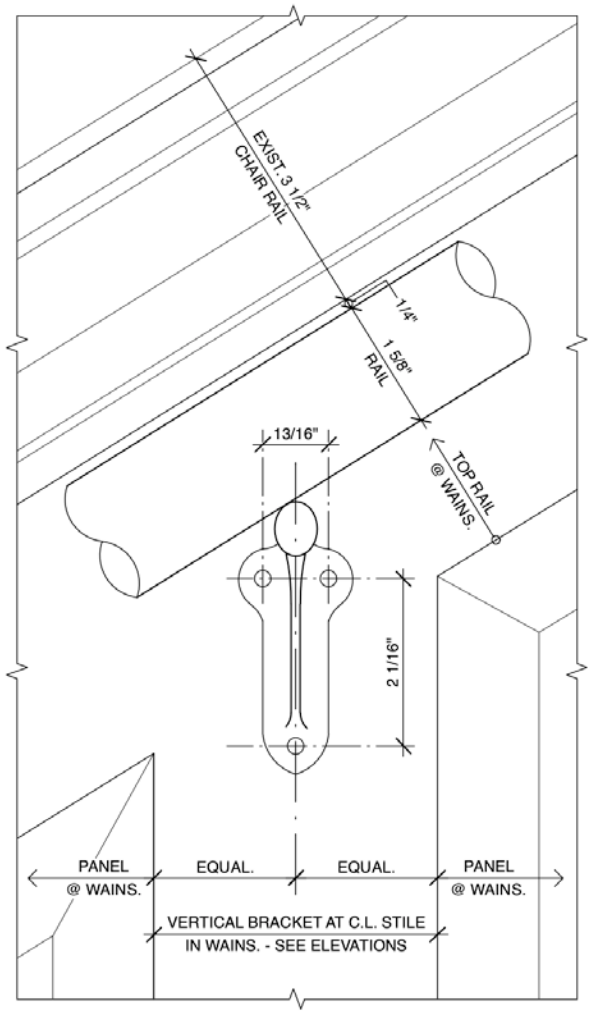
EXIST. STAIR NOSING

Scale: Half Actual Size

Details of Original Wood Nosing as Compared to Current Accessibility Requirements of 60-Degrees and <1.5”

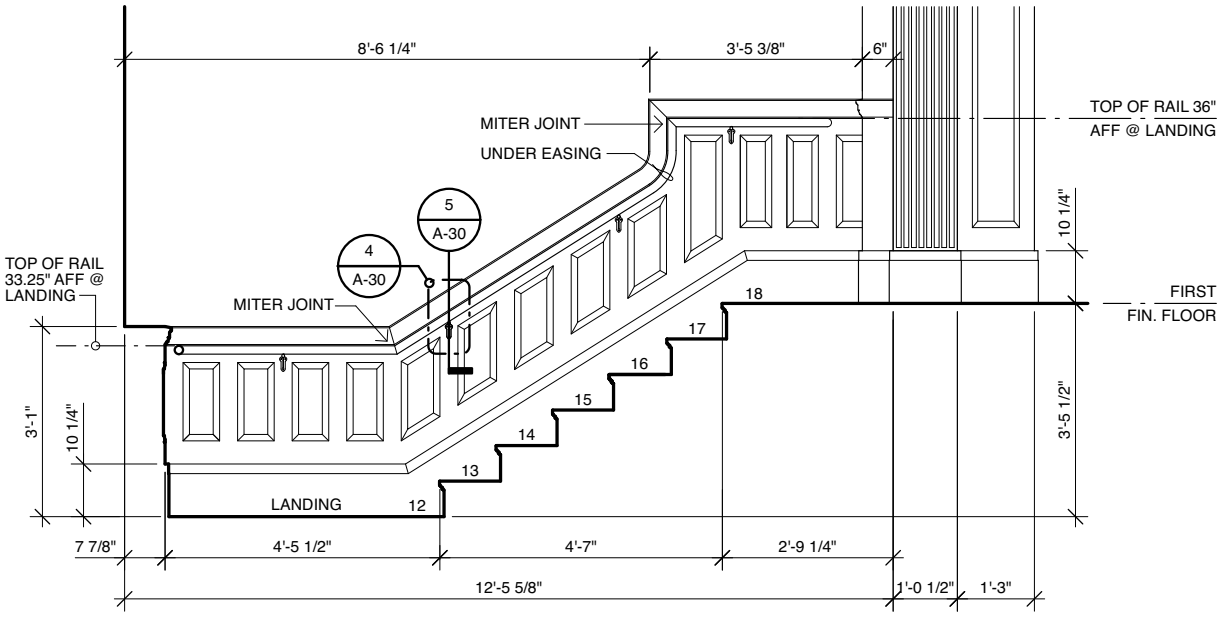


5 / A-30 RAILING SECTION
Scale: Half Actual Size



4 / A-30 RAILING ELEVATION
Scale: Half Actual Size

Proposed Placement of Continuous Wall-Mounted Handrailsin Grand Staircase at Height of 32.5" Above Nosings; Meeting 34" Minimum Height Requires Removal of Chair Rail Obstruction; Height at Landings 36.5" to 38" AFF



G
A-30

BASEMENT-TO-1ST SOUTH @ MAIN STAIR ELEVATION

Scale: 3/8" = 1'-0"

Sample of Added Handrail on Perimeter Walls of Grand Staircase;
Height Maintains Clearance to Original Chair Rail

Request #3: COST of FULL COMPLIANCE to 521 CMR 27 STAIRS	
27.3: COMPLIANCE OF ALL STAIR RISERS AND NOSINGS	
$25,000	Front Entry Stairs: Modify Nosings at Exterior Stone Steps
$4,000	Front Entry Stairs: Modify Nosings at Interior Foyer Steps
$21,000	Grand Staircase: Modify Nosings at All Flights of Central Stairs
$45,000	Mt Auburn Private Stairs: Modify Nosings at Granite Areaway Steps
$18,000	Back Door Private Stairs: Rebuild to Extend Landing & Modify Nosings
$113,000	Subtotal of Estimated Direct Trade Costs for 27.3 Compliance
27.4: COMPLIANCE WITH HANDRAILS ON BOTH SIDES OF ALL STAIRS	
$7,500	Front Entry Stairs: Add Railings at Exterior Stone Steps
$9,000	Front Entry Stairs: Add Railings at Interior Foyer Steps
$125,000	Grand Staircase: Replace Guardrail and Include Railings
$38,000	Grand Staircase: Modify Wainscoting Chair Rail for Railing Height
$4,500	Mt Auburn Private Stairs: Add Second Railing at Areaway Stairs
$10,000	Back Door Private Stairs: Add Railings at Both Sides of Stairs to Door
$194,000	Subtotal of Estimated Direct Trade Costs for 27.4 Compliance
$103,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$410,000	**Estimated Project Cost for Full Compliance at Stairs**

Cost of Full Compliance for Stairs

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION E: 521 CMR 28: ELEVATORS / Variance Request #4

52 CMR 28.1 requires multi-level buildings to be served by a passenger elevator while certain conditions allow for wheelchair lifts and limited use elevators per 28.12. This facility has four levels, a basement through third floor. The upper level will remain private while the other three levels will host occasional public events. A passenger elevator is required unless a variance is obtained for a Limited Use / Limited Application elevator (LULA) as proposed.

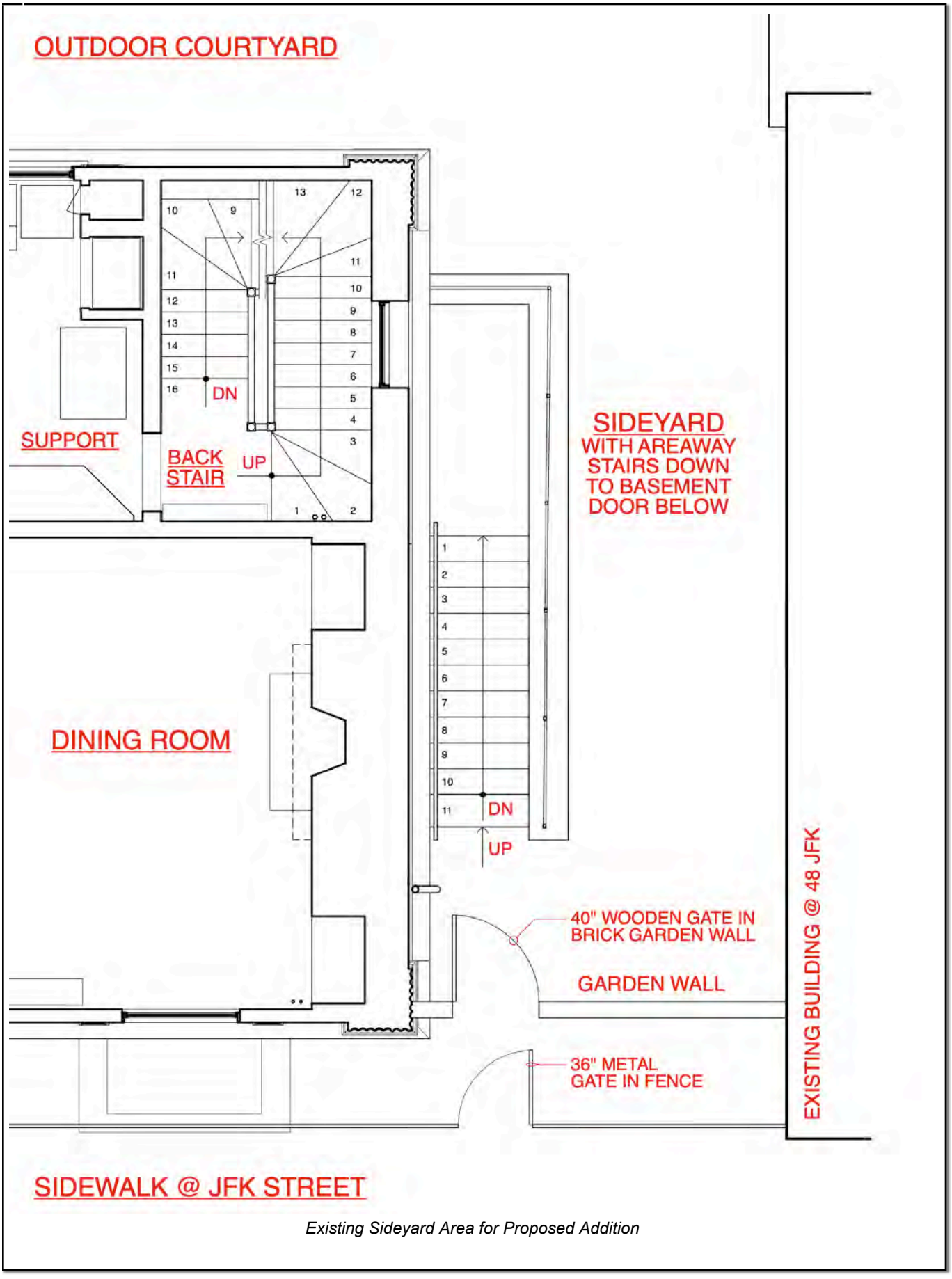
None of the conditions in 521 CMR 28.12.1 (items "a" through "e") that would allow a LULA elevator in lieu of a full passenger elevator is applicable to this facility. Despite this, the reasons for proposing a LULA are as follows:

- Since the third floor is private and does not require public accommodation, the overall rise from the basement to the second floor is 22'-2 1/4". The maximum rise of a LULA is 25'-0", so the smaller elevator is feasible in this regard.
- Since the footprint of a LULA is smaller than a passenger elevator, massing of the addition can be minimized in relation to the existing historic facility.
- The Cambridge Historical Commission has approved the exterior envelope of the proposed addition with the LULA, and the Cambridge Commission for Persons with Disabilities has also expressed support for this appropriately integrated solution.
- Since the over-run required for a LULA (distance above the upper landing to underside of hoistway) can be minimized for a LULA by providing a code-compliant car-top prop, the overall height of the hoistway allows for an HVAC deck to be installed at the third floor, avoiding encroachment of equipment at the outdoor courtyard, and minimizing noise considerations to immediate abutters.
- The footprint and height of a passenger elevator hoistway would require a larger, more visible addition that would be awkwardly appended to this historic facility. If a fourth landing were required to provide access to the private third floor, the top of the elevator hoistway enclosure would be as tall above grade as the hip roof ridge.

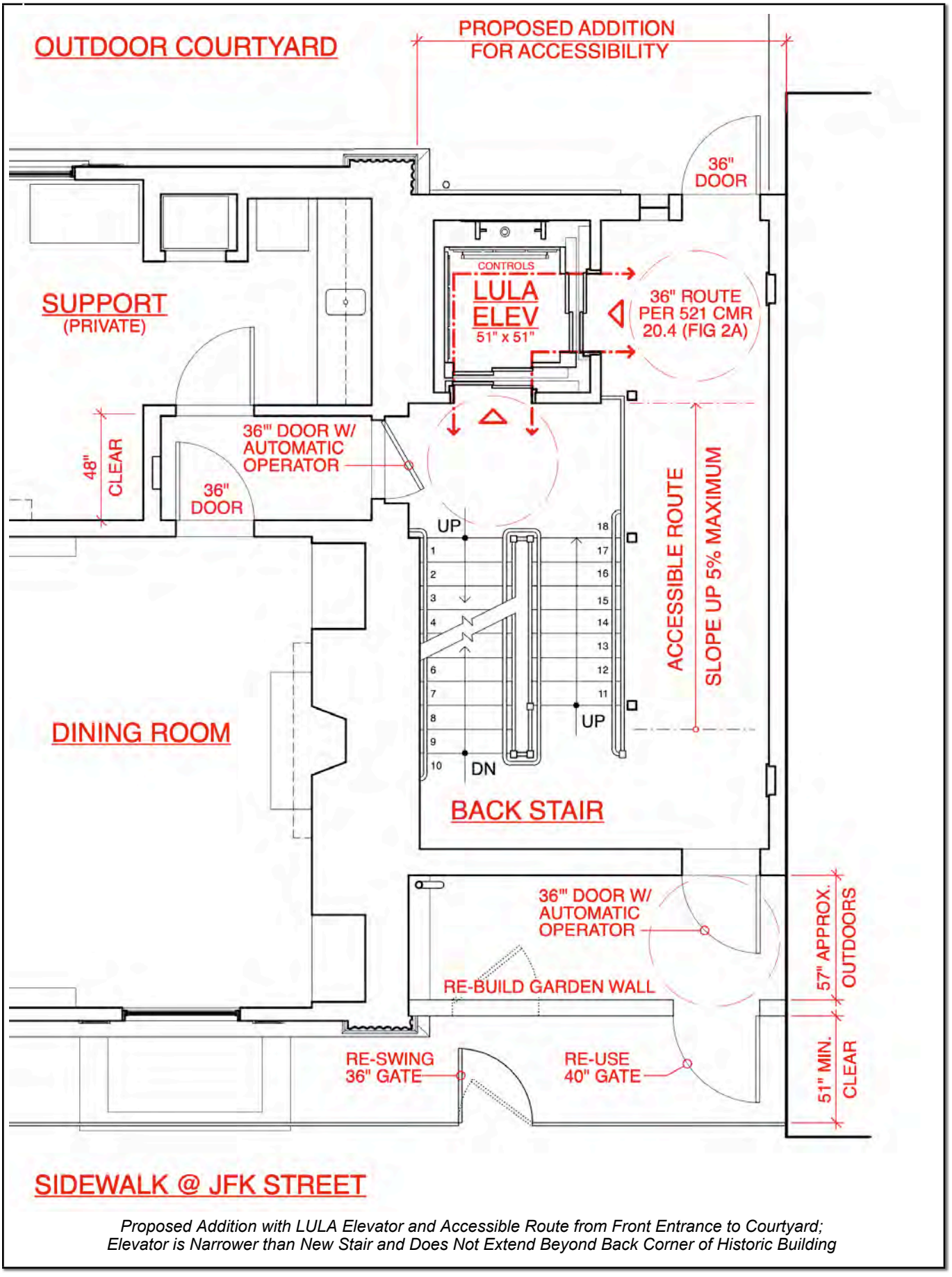
Hence, a LULA is proposed since it provides vertical access to the three floor levels of public use while being sensitively integrated with the massing of the building envelope.

In addition to the variance request from 521 CMR 28.1 to allow a LULA in lieu of an elevator, the cab size also requires relief since the regulations describe a typical LULA per 28.12.3.a with a cab size of 36" x 60" and a single door on the 36" side. This yields a cab size of 15 square feet. The proposed LULA requires a side door and front door to fit access within the footprint of the addition. The accessible entrance level at the elevator landing is about 50" below the first floor, so a side door is essential. Each floor landing will be at the front side of the elevator. Both doors will be 36" wide and the interior cab will be 18 square feet with clearances of 51" x 51". This configuration complies with the dimensions of an accessible route per 521 CMR 20.4, Figure 2a as illustrated in the drawings.

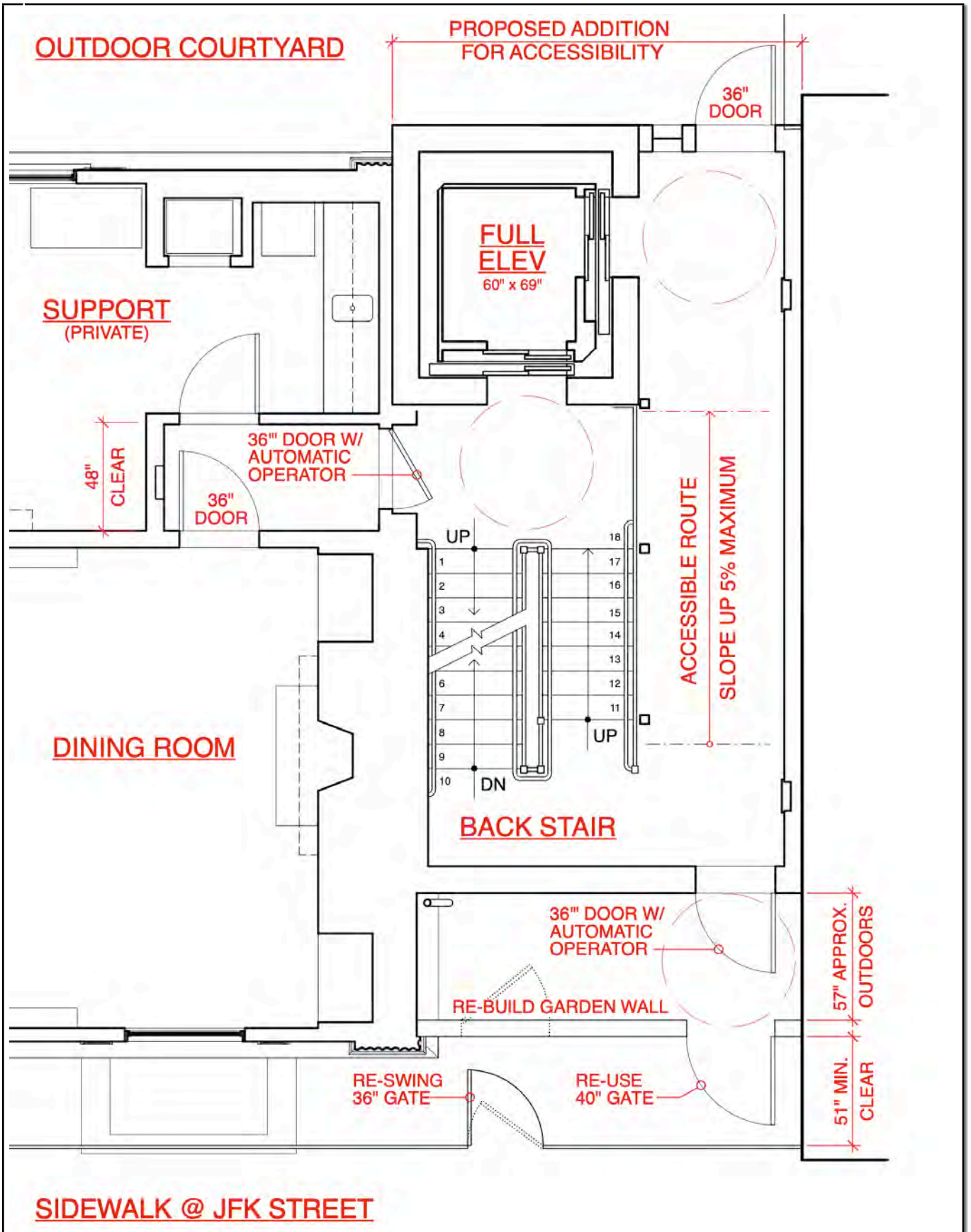
The cost of full compliance for elevators is $610,000 and a full elevator would disrupt the historic character of the addition. It is the applicant's belief that the cost of full compliance is excessive without substantial benefit to persons with disabilities.



Existing Sideyard Area for Proposed Addition



Proposed Addition with LULA Elevator and Accessible Route from Front Entrance to Courtyard;
Elevator is Narrower than New Stair and Does Not Extend Beyond Back Corner of Historic Building



Passenger Elevator Expands Bulk of Addition to the Same Width as New Stair and Extending Beyond the Back Corner of Historic Building



Proposed Addition to the South of Building Includes LULA Elevator Beyond the View

Request #4: COST of FULL COMPLIANCE to 521 CMR 28 ELEVATORS	
28.1: REQUIREMENT FOR PROVISION OF A PASSENGER ELEVATOR	
$475,000	Provision of Accessible Hydraulic Corner-Post Passenger Elevator
$24,000	Extended Foundation Costs for Deeper Elevator Pit & Underpinning
$72,000	Extended Building Envelope Costs for the Additional Hoistway Size
$36,000	Additional Power, Structural and Miscellaneous Costs for Elevator
$8,000	Larger Elevator Equipment Room for the Passenger Elevator
$12,000	Costs for Placement of HVAC Equipment at Grade vs Third Floor Deck
($175,000)	Credit for Provision of Limited Use / Limited Application Elevator
$452,000	Subtotal of Estimated Direct Trade Costs for 28 Compliance
$158,000	Gen'l Conditions, G.C.'s OH+P, Contingency, Escalation + A/E Fees
$610,000	**Estimated Project Cost for Passenger Elevator Instead of a LULA**

Estimated Cost of Full Compliance for Conversion of Historic Entrance to an Accessible Entrance

FOX CLUB
44 JFK Street
Cambridge MA 02138

SECTION F: SUPPORTING DOCUMENTS

CAMBRIDGE HISTORICAL COMMISSION

- Certificate of Appropriateness / Case No. 4974 / June 7, 2023
- Letter of Support to MAAB / June 7, 2023, with copies to:
    - Cambridge Commission for Persons with Disabilities
    - Cambridge Inspectional Services Department
    - Massachusetts Historical Commission

FOX CLUB – PUBLIC USE POLICY

- Policy Statement for Public Use of the Fox Club / August 1, 2023
    - Introduction
    - Public Access and Materials
    - Types of Public Access
    - Limitations on Public Access Privileges
    - Limitations on Public Access / Private Space
    - Access for Disabilities
    - Disclaimer and Conclusion

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. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternates*

CERTIFICATE OF APPROPRIATENESS

Property: **44 JFK Street**

Applicant: **Fox Club Holdings LLC**

Attention: **Fox Club Holdings**
Attn: Matt Pierce, Treasurer
P. O. Box 132
Kingston, Mass. 02364

Don Mills
Mills Whitaker Architects LLC
P. O. Box 750089
Arlington, Mass. 02475

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:

Accessibility, infrastructure, and functionality upgrades at the Fox Club including,

1. **Construct an addition on the south side of the building for an accessible entrance from JFK Street, a small LULA elevator, replacement of the back exit stair and HVAC equipment.**
2. **Deconstruct the garden wall and arched door that face JFK Street. Reconstruct the wall using salvaged bricks and relocate the arched doorway.**
3. **Deconstruct the driveway wall that faces Mt. Auburn Street and reconstruct it using salvaged brick at location approximately 5 feet further south.**
4. **Remove, store and reinstall the existing iron fence and gate at the southwest corner of the property. Rehinge the gate upon reinstallation.**
5. **Construct a new accessible walkway from the iron gate to the relocated arched doorway and into the new**

accessibility addition to access the LULA elevator or the rear garden.

6. **Install accessibility directional signage on the iron fence close to the JFK entry door.**

Work is to be carried out as indicated in the plans by Mills Whitaker Architects titled, "The Fox Club Renovations," and dated on the cover letter May 8, 2023 (updated May 25, 2023).

Approval was granted on the condition that the construction details be reviewed and approved by CHC staff including masonry samples for the reconstructed walls.

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: **4974** Date of Certificate: **June 7, 2023**

Attest: A true and correct copy of decision filed with the offices of the City Clerk and the Cambridge Historical Commission on June 7, 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

CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Fl., Cambridge, Massachusetts 02139
Telephone: 617 349 4683 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. Kleespies, Paula A. Paris, Kyle Sheffield, *Alternate Members*

June 7, 2023

William Joyce, Executive Director
Massachusetts Architectural Access Board
1000 Washington Street, Suite 710
Boston , Mass. 02118

Re: AAB Case: Fox Club, 44 JFK Street, Cambridge

Dear Mr. Joyce:

I am writing with regard to the application of Fox Club Holdings LLC for certain variances from the rules of the Architectural Access Board with regard to the renovation of the Fox Club building in Harvard Square, Cambridge.

On June 1, 2023, the Cambridge Historical Commission approved the Club's application for a Certificate of Appropriateness to make minor exterior alterations and to construct an addition to the building to improve accessibility to the building and the rear garden and to improve the building infrastructure and safety.

The building was constructed as a private club in 1902 to designs by architect Guy Lowell. Lowell is well known as the architect for Boston's Museum of Fine Arts as well as other residential and civic buildings in the region. The Fox Club is architecturally significant both as a fine example of the Georgian Revival style and for its associations with Guy Lowell. The building is located within the Harvard Square Conservation District (local neighborhood conservation district) and is a contributing building in the Harvard Square National Register Historic District.

The primary purpose of the proposed addition is to provide an accessible entrance into the building from JFK Street. The addition will house a code compliant stair and a LULA elevator that will access the basement, first and second floors. By locating the accessible entrance within the new addition, significant historic architectural features both on the exterior and the interior of the building may be preserved. Modifications to thresholds, bathrooms and room arrangements are planned inside the building, which will provide access to the assembly spaces and bathrooms within the building. The Cambridge Historical Commission requests that the Architectural Access Board find that literal compliance with its regulations is inconsistent with the retention of the historic integrity of the Fox Club building.

Sincerely,

Sarah L. Burks

Sarah L. Burks
Preservation Planner

cc: Rachel Tanenhaus, Cambridge Commission for Persons with Disabilities
Jacob Lazzara, Inspectional Services Department
Brona Simon, Massachusetts Historical Commission

AAB 284

The Fox Club Graduate Association, Inc.

POLICY STATEMENT FOR PUBLIC USE OF THE FOX CLUB

Effective Date: August 1, 2023

The Fox Club is a private club with a historically significant Clubhouse at 44 JFK St., Cambridge MA.

The Fox Club was founded in 1898 as the Digamma Club by six Harvard College undergraduates. Subsequently, the club became known as The Fox Club from the similarity between the letter "F" and the archaic Greek character for Digamma. The Club was one of many Final Clubs that were built along Mt. Auburn Street in an area that was just beyond what were then the boundaries of Harvard's Campus in Cambridge. Final Clubs largely began in an era prior to the establishment of Harvard's system of residential houses when Final Clubs served partly as dining clubs in addition to being social clubs.

As part of our efforts to support and celebrate the historic architecture of the Clubhouse at 44 JFK Street and the era of the Club's founding, we have elected to provide limited public access to the Clubhouse under the following rules and conditions.

Public Access and Materials

The Clubhouse will be opened to supervised limited public access twice per year: once in January for a six-hour period and once in July for a six-hour period. Public access shall not exceed ten members of the public for every supervisor or member, and no more than 40 members of the public shall be allowed access to the Clubhouse at any one time regardless of the number of supervisors or members.

The building will also be open to the general public by appointment not less than six times per year, the public access not to exceed ten members of the public for every supervisor or member.

Organizations of architects, engineers, historians or others whose professional or academic pursuits are concerned with the creation, preservation or restoration of historic buildings may arrange to tour the interior spaces at a time mutually agreed to by the Club and the organizations.

Visitors will be provided with printed material in the form of a brochure describing the history, architecture and furnishings of the clubhouse.

Visitors will be asked to sign a guest book at the time of admission. Visitors will not be allowed to take photos or video recordings of the building interior during their tour.

We will provide virtual tours of the Clubhouse upon vetted inquiry.

There will be no fee or other charge for public access to the Clubhouse in accordance with the above.

A van-accessible parking space is available for visitors upon advance request.

Types of Public Access

While we cannot anticipate every kind of public access in the future, we expect to offer the following opportunities for the public to enjoy the interior of the Clubhouse:

- speaking engagements, presentations
    - focused on period architecture, or
    - the architecture of Guy Lowell (the architect of the Club) and his peers, or
    - accomplishments of renowned Fox members. Past examples of such private discussions include
        - the poetry of TS Eliot, Class of 1910
        - the art of Fernando Zobel, Class of 1949
- musical recitals, dance recitals, artistic presentations, readings
    - focused on local students or member musicians, dancers, writers and artists
- curated tours of the building and grounds
    - primary focus on historic architecture, memorabilia and period pieces
    - educational seminars for students of history and architecture
- Educational seminars, lectures, tours
    - Focused on organizations whose professional or academic pursuits are concerned with the creation, preservation or restoration of historic buildings
    - On any similar related topic of public interest

Limitations on Public Access Privileges

While we cannot anticipate every kind of public event or access, we will maintain strict guidelines on the duration of each event and the nature and number of participants in every event.

- All public access will be supervised by a qualified, vetted supervisor or a member in good standing of the Fox Club.
- There can be no more than 10 members of the general public per supervisor or member.
- There can be no more than a total of 40 members of the public in the Clubhouse at any one time, regardless of the number of supervisors or members present.
- Visitors must be supervised at all times.
- Visitors shall not take photographs or video or handle the property of the Fox Club unless specifically allowed by the supervisor at that time.
- Visitors will not be served food or drink except by a qualified staff member and with prior written permission from the Graduate Board or their designated representative.
- Food and drink will not be served from the first Floor Bar, because that area is a designated private space.
- Visits will not be longer than four hours.

AAB 286



Limitations on Public Access, Private Space

The following spaces will be made generally available to the public

- **Basement**
  - Guest Room
  - Lounge
  - Den
- **First Floor**
  - Grand Foyer
  - Living Room
  - Parlor
  - Dining Room
  - Coat Closets in Grand Foyer
- **Second Floor**
  - Great Hall
  - Billiards Room
  - Library
- **Basement to Second Floor**
  - Stairways and elevator
  - Bathrooms
- **The Courtyard and Accessibility Corridor**
  - Entire area

The following spaces are Private and are not available to the Public:

- **Basement**
  - Commercial Kitchen and Bar
  - Utilities Closet
  - Storage rooms and closets
- **First Floor**
  - First Floor Bar
  - Closets other than in the Grand Foyer
  - Service area behind Bar
- **Second Floor**
  - Stewards Office
  - Service and Support Area adjacent to Great Hall
  - Stairways to Third Floor
- **Third Floor**
  - Entire Floor is Private, for Members only



Access for Disabilities

Public spaces at the Fox Club are designed to be handicap-accessible to the extent feasible given the historic nature of the Clubhouse as designed and built in the early 20th century.

During Public Tours and Events, it is Fox Club policy to leave doors to public spaces open, or in the event that a door is closed, that a supervisor or member will be available to open the door at any time or for any reason for the duration of the event.

Disclaimer and Conclusion

It is our hope and intent that limited public accessibility will provide the Fox Club members with benefits not currently enjoyed and that will benefit the greater public good. We are proud of our history and of the cumulative efforts of many years of diligent stewardship, maintenance and restoration of our unique and historically significant Clubhouse.

The Fox Club reserves the right to amend or update this public policy as circumstances warrant and as we gain experience with the correct mix of public events and private member/guest events in the future.

For further questions and information, please reach out to the Fox Club at info@digamma.club or the address below.

AAB 288