

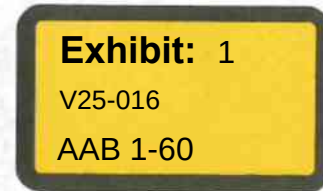
ARCHITECTURAL ACCESS BOARD- HEARING PACKET

Name	Sheraton Commander Hotel		Docket #	V 25 - 016
Address	16 Garden Street		Docket #	C -
City	Cambridge		Hearing	6/29/2026
Bldg Type			Time of hearing	1:00 PM
Complaint's Name			Plans on file?	
Complaint ?	Variance ?	Request for continuance?		
Jurisdiction:	3.3.2	If the work performed amounts to 30% or more of the full and fair cash value of the building, the entire building is required to comply with 521 CMR.		
Building Permits:	1142186 (pending approval): \$5,644,840			
Assessed Value:	\$8,228,900			

Exhibit: 1

V25-016

AAB 1-60



Variances to be addressed:

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

On January 27, 2025 the Board received an application for variance for the above referenced address and at the February 24, 2025 meeting the Board voted to Grant relief with conditions to 28.1, 27.1, and 25.1 and continued for more information for 8.7. (See AAB 42-60)

On February 28, 2025 the Board received a response and at the March 10, 2025 meeting the Board voted to Grant relief to 8.7 on the condition that 25% of the entrance doors into non-accessible sleeping rooms are made compliant (See AAB 26-41)

On March 25, 2025 the Board received a Request for an Adjudicatory Hearing from the BCIL and on March 26, 2025 a Notice of Hearing was sent to all parties (See AAB 21-23)

The first hearing was held on July 14, 2025 and the Board added additional conditions on previously granted decisions and also For Request 3, to continue this request regarding 521 CMR 25 and direct Petitioner to provide the Board a test drawing and cost estimate for a vertical platform lift. (See AAB 13-20)

On February 5, 2026 the Board received a submission from the petitioner and at the March 9, 2026 meeting the Board voted to Deny the request. On March 19, 2026 the Board received a request for an adjudicatory hearing. Notice was sent to all parties. (See AAB 2-12)

16 Garden Street, Cambridge- Notice of Hearing

From Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Date Thu 3/19/2026 2:32 PM

Bcc ccpd <ccpd@cambridgema.gov>; Tanenhaus, Rachel (EXT) <rtanenhaus@Cambridgema.gov>; Michael Muehe <Mmuehe@bostoncil.org>; ISD <isd@cambridgema.gov>; Richard, Andrew <arichard@cambridgema.gov>; Michael Guleserian <michael.guleserian@sheratoncommander.com>

 1 attachment (637 KB)

June 2026 Notice of Hearing.pdf;

Good afternoon,

Please find attached the Notice 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 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

RE: 16 Garden Street, Cambridge

From Michael Guleserian <michael.guleserian@sheratoncommander.com>

Date Thu 3/19/2026 2:25 PM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Cc Janine Clifford <jclifford@jcj.com>

 1 attachment (545 KB)

MAAB appeal request.pdf;

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Molly,

Attached is our request for an appeal to the decision of the Second Amended Notice of Action for we received for the Sheraton Commander Hotel.

Please let me know if there is anything else you need from me at this point.

Warmly,



Michael Guleserian
General Manager

O 617 234 1314 **M** 617 547 4800

Sheraton Commander Hotel

16 Garden Street

Cambridge, MA 02138

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From: Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Sent: Wednesday, March 11, 2026 10:13 AM

Subject: 16 Garden 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
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 25 016**

RE: Sheraton Commander Hotel, 16 Garden 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 29, 2026** at **1:00 PM**. Remote meeting information will be sent out prior to the hearing date.

This hearing is upon an application for variance filed by: Michael Guleserian for modification of or substitution of the following Rules and Regulations: 25.1
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

Chairperson

Date: March 19, 2026

cc: Local Building Inspector
Independent Living Center
Local Disability Commission

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT



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

One Federal St., Suite 600 • Boston • Massachusetts • 02110
V: 617-727-0660 • www.mass.gov/aab • Fax: 617-979-5459

JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

THOMAS HOPKINS
EXECUTIVE DIRECTOR

Docket Number: _____
(Staff Use Only)

REQUEST FOR ADJUDICATORY HEARING

RE: Sheraton Commander Hotel, 16 Garden Street, Cambridge
(Name and address of building as appearing on application for variance)

I, Michael Guleserian, 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)

25.1

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: 3/19/26

Michael Guleserian
Signature

PLEASE PRINT:

Michael Guleserian
Name

16 Garden Street
Address

Cambridge
City/Town

MA
State

02138
Zip Code

Michael.guleserian@sheratoncommander.com
E-mail

617-234-1314
Telephone

PLEASE NOTE:

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



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

SECOND AMENDED NOTICE OF ACTION

Docket Number V 25 016

RE: Sheraton Commander Hotel , 16 Garden Street , Cambridge

On February 5, 2026 the Architectural Access Board received an additional submission from Petitioner
The additional documents were reviewed by the Board on March 9, 2026 At that meeting, the Board
voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
1	25.1	DENIED as <i>impracticability</i> (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: March 10, 2026

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnello WT

Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 7

Fw: Sheraton Commander Hotel - Variance 521 CMR 25 - Follow-up

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

Date Thu 2/5/2026 11:16 AM

To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

 2 attachments (1 MB)

Sheraton Commander- Restaurant Lift Study Diagram-REVISED.pdf; SCH-Variance 521 CMR 25.pdf;

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]www.mass.gov/aab

From: Michael Guleserian <michael.guleserian@sheratoncommander.com>

Sent: Thursday, January 22, 2026 11:16 AM

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

Cc: Clifford.Janine <JClifford@jcj.com>; Deborah Ryan (dryanaccess@aol.com) <dryanaccess@aol.com>

Subject: Sheraton Commander Hotel - Variance 521 CMR 25 - Follow-up

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Dear Mr Joyce,

I am writing to follow up on the Sheraton Commander Hotel's July 14 adjudicatory hearing. At that time, the Board continued its review of Variance 521 CMR 25 and requested that we submit test drawings and cost estimates for a proposed vertical lift in our restaurant, Nubar.

Attached, please find the updated drawing, along with cost information and an overview of the operational impacts associated with installing a vertical lift in the restaurant.

We are hopeful that this submission can be included on the agenda for the February 9 meeting. Please let me know if you require any additional information in order for us to be considered at the next meeting.

Thank you for your time and consideration.

Sincerely,



Michael Guleserian
General Manager

O 617 234 1314 **M** 617 547 4800

Sheraton Commander Hotel

16 Garden Street

Cambridge, MA 02138

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January 28, 2026

Subject: Response to Board Request – Variance 521 CMR 25 (Nubar Restaurant)

Dear Members of the Board,

The Sheraton Commander Hotel attended the Adjudicatory Hearing on July 14 regarding the variances previously filed. At that hearing, the Board continued review of Variance 521 CMR 25 and requested that we submit a test drawing and cost estimate for the installation of a vertical platform lift serving our restaurant, Nubar. This letter and the attached materials are provided in response to that request.

Nubar has two points of entry: one from the hotel lobby and one from the sidewalk on Garden Street. The Garden Street entrance cannot easily be made accessible by means of a ramp or lift due to existing site and structural constraints. The accessible entrance to Nubar is, through the hotel's main entrance and lobby, which provides a compliant and direct accessible route to the restaurant.

Compliance with 521 CMR 25 through the installation of a vertical platform lift at Nubar would result in excessive and unreasonable costs, would significantly and permanently impair the business operations of the restaurant, and would not materially improve the experience of guests with disabilities. The estimated initial cost to install a vertical platform lift is \$284,000. In addition, the required footprint would permanently eliminate eight seats and substantially reduce the area available for receptions and events.

As a result of the reduced seating capacity and loss of usable function space, we estimate that approximately 80% of the receptions currently booked in this area would be unable to return. Conservatively, this represents an ongoing annual revenue loss of approximately \$172,560 due solely to the seating and capacity reductions associated with the lift installation.

Furthermore, the footprint of the vertical lift would require relocation of the host stand from the Garden Street side of the restaurant to the lobby side. Under this configuration, guests using the accessible route would be required to travel through the reception and dining areas to reach the host station, which would not enhance—and may detract from—the overall guest experience.



SHERATON

Commander Hotel

We also note that the accessible ramp at the hotel's main entrance is currently being reconstructed to ensure full compliance with accessibility requirements. This main entrance is the primary and most frequently used point of entry for Nubar guests and provides a fully accessible route into the restaurant through the hotel lobby.

For the reasons outlined above, we respectfully submit that strict compliance with 521 CMR 25 in this instance would impose an excessive and unreasonable hardship, would cause ongoing detrimental financial impacts, and would not meaningfully improve accessibility for our guests. We therefore request that the Board give due consideration to the information provided herein and the attached documentation in support of our variance request.

Thank you for your time and consideration.

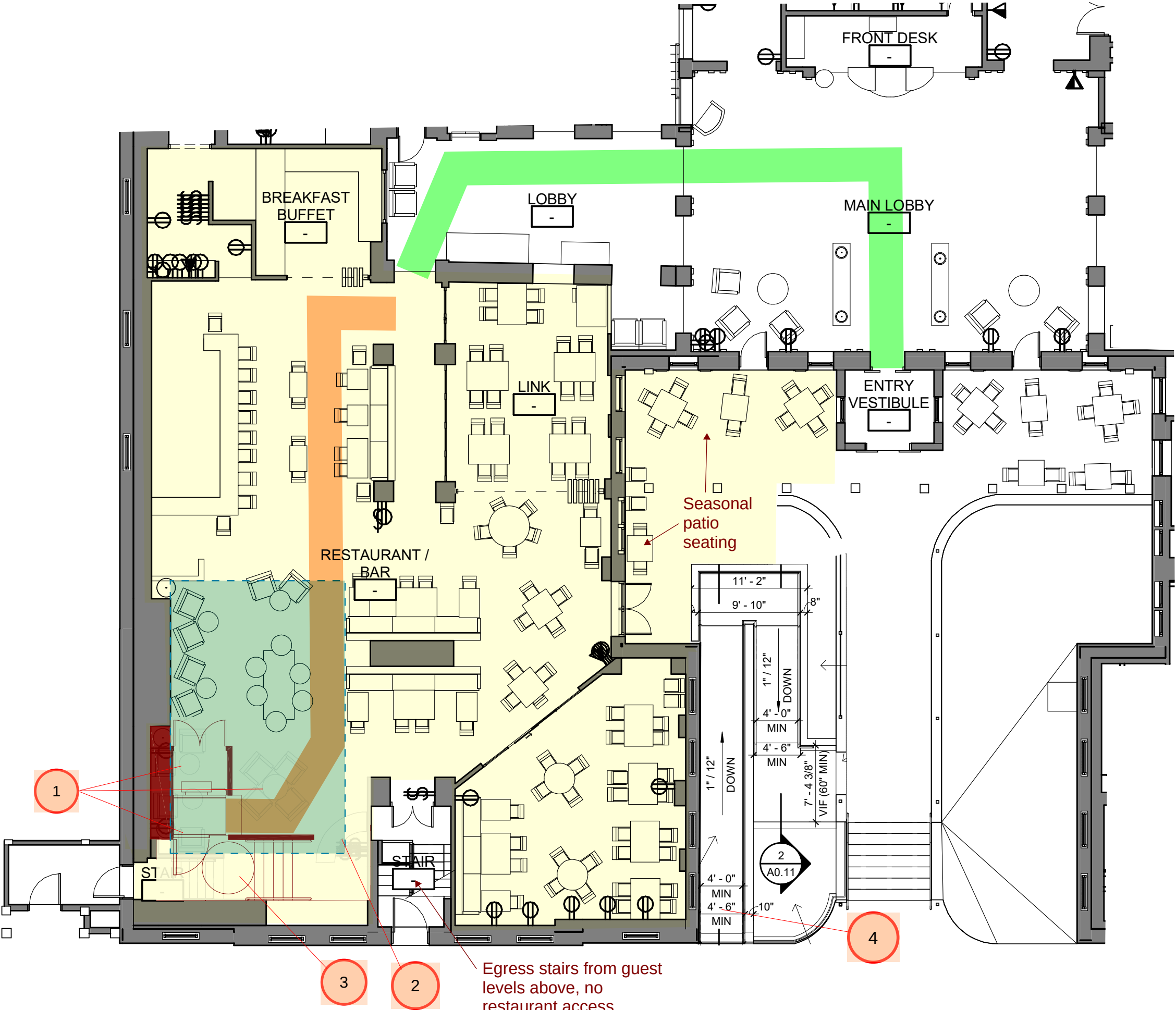
Warmly,

Michael Guleserian
General Manager

Legend

- Restaurant Area
- Accessible path to host stand from main entrance (approx. 70ft in length)
- Accessible path to host stand from lift (approx. 63ft in length)
- Rentable function area occassionally used by hotel for prefunction

- 1. New Lift w/closet to access mechanical components- restaurant loses 8 seats min.
- 2. Remove millwork counter
- 3. Enlarge landing and move/rebuild stairs.
- 4. New accessible ramp currently being built for main entrance to end at bottom landing for existing stairs.



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

ARCHITECTURAL ACCESS BOARD
Docket No. V25-016

In re	)
	)
Sheraton Commander Hotel	)
16 Garden Street	)
Cambridge	)
	)

BOARD DECISION

Procedural History

This matter is before the Architectural Access Board (“AAB” or “Board”) based on an Amended Application for Variance, dated January 27, 2025, pursuant to 521 CMR 4.00, and submitted on behalf of the Sheraton Commander Hotel (the “Petitioner”). The application seeks a variance from the requirements of 521 CMR 28.1 (Elevators), 27.1 (Stairs), 25.1 (Entrances) and 8.7 (Doors and Doorways).

On January 27, 2025, the Board received an application for variance for the above-referenced address, and at the February 24, 2025 meeting the Board voted to grant relief with conditions to 521 CMR 28.1, 27.1, and 25.1 and continued the variance request related to 8.7 for more information. On February 28, 2025 the Board received a response, and at the March 20, 2025 meeting, the Board voted to grant relief to 521 CMR 8.7 on the condition that 25 percent of the entrance doors into non-accessible sleeping rooms are made compliant. On March 25, 2025 the Board received a Request for an Adjudicatory Hearing from the Boston Center for Independent Living, and on March 26, 2025, a Notice of Hearing was sent to all parties.

A hearing for this matter was held on July 14, 2025 in accordance with G.L. c. 30A, §§ 10 and 11; 801 CMR 1.02 et seq.; and 521 CMR 4.00.¹ All interested parties were provided with an opportunity to testify and present evidence to the Board. Witness included Michael Muehe of the Boston Center for Independent Living, Michael Guleserian, Janine Clifford, and Debbie Ryan on behalf of Petitioner, and Rachel Tanenhaus of the Cambridge Commission for Persons with Disabilities. The witnesses were sworn in by the Board Chair. The instant decision now memorializes the determinations made at the hearing.

Applicable Laws & Regulations

Pursuant to 521 CMR 3.3.2, “[i]f the work performed amounts to 30% or more of the full and fair cash value of the building, the entire building is required to comply with 521 CMR.”

521 CMR 28.1 provides: “In all multi-story buildings and facilities, each level including mezzanines, shall be served by a passenger elevator.”

¹ Pursuant to state law, the hearing was held online via the Microsoft Teams platform.

521 CMR 27 mandates: “All stairs are required to comply” with the stated requirements for treads, risers, nosings, handrails, detectable warnings and outdoor conditions.

521 CMR 25.1 states: “All public entrance(s) of a building or tenancy in a building shall be accessible. Public entrances are any entrances that are not solely service entrances, loading entrances, or entrances restricted to employee use only.”

521 CMR 8.7 sets forth: “Doors and doorways designed to allow passage into and within all sleeping units or other covered units shall comply with 521CMR 26.00: DOORS AND DOORWAYS on the corridor side of the door only.”

Exhibits

The following documentation was entered into evidence:

Exhibit 1: Board Packet AAB 1-41, including the Application for Variance, all correspondence, photographs and plans submitted.

Factual Findings

The following findings of fact and conclusions of law are supported by substantial evidence, based on the credited testimony of the witnesses, documents admitted into evidence and AAB records. G.L. c. 30A, § 11(2), § 14(7).

- 1) This hotel has seven floors at and above grade, with 175 guestrooms. Ex. 1, AAB 26.
- 2) Petitioner is undertaking a major renovation of substantially all guestrooms and bathrooms, and replacing the exterior ramp into the front entrance of the hotel. Ex.1, AAB 27.
- 3) The value of the work to be performed is approximately \$5.89 million. Ex. 1, AAB 28.
- 4) The assessed value of the building is \$8,228,900. Ex. 1, AAB 28.

Discussion

The Board’s jurisdiction is established pursuant to 521 CMR 3.3.2, which states that, “[i]f the work performed amounts to 30% or more of the full and fair cash value of the building, the entire building is required to comply with 521 CMR.” Here, the proposed work is estimated to cost over \$5 million, and the assessed value of the building is approximately \$8.2 million, so the 30 percent threshold has been met, and in the absence of a variance, the entire building is required to comply with 521 CMR.

However, pursuant to 521 CMR 4.1, an “owner or an owner’s representative or tenant who thinks that full compliance with 521 CMR is impracticable may apply to the Board for a variance from 521 CMR.” Impracticability is defined to mean either that compliance with 521 CMR “would be technologically unfeasible” or that it would “result in excessive and unreasonable costs without any substantial benefit to persons with disabilities.” 521 CMR 5.00.

During the hearing, which was requested by BCIL, Petitioner’s team explained that this hotel was originally built in the 1920s, and is undergoing renovations to the guestrooms, but not the meeting rooms used for conferences, other public areas, or the

restaurant. The primary building material is terra cotta, making structural changes difficult. Petitioner has willingly undertaken substantial compliance work required after meeting the 30 percent threshold, and is seeking just four variances, three of which were granted by the Board following the Petitioner's written submission. Subsequently, the BCIL requested a hearing, opening all four variance requests up to further consideration.

Petitioner's First Request pertains to the four elevators at the hotel, one of which is compliant with AAB requirements. The other three are not. Petitioner's team explained that one of the building's elevators was part of the original design, and three additional elevators were added in the 1980s. One elevator was modernized around 2017, and that is the one compliant with the Board's regulations. Pursuant to Petitioner's written request, the Board previously granted a variance for the three noncompliant elevators, on the condition that the compliant elevator could be specifically called by those who need to use it. Petitioner responded during the hearing that it was investigating making this feature operational using a key. The Board provided guidance that a key fob might be acceptable, but a traditional key requiring grasping or turning would not be acceptable.

Petitioner's Second Request relates to the hotel's several staircases. Petitioner's team informed the Board that all of the stair designs at this location are original, and altering the existing structure is not feasible due to the locations and limitations of the stair shafts. Though Petitioner's variance request asserted that installing compliant handrails would impede egress capacity and required width, when asked during the hearing, Petitioner was willing to install compliant wall side handrails.

Petitioner's Third Request addresses the public entrance to the hotel via its restaurant. The hotel's restaurant has a dedicated entrance from the street, which is not accessible, and can also be entered from the hotel lobby. Petitioner is currently replacing the accessible ramp into the lobby which will provide access to the restaurant. Petitioner contends that adding a lift or ramp to the direct entrance to the restaurant would result in excessive cost without substantial benefit to persons with disabilities. Michael Muehe of BCIL argued that making the direct entrance accessible would benefit of persons with disabilities including by allowing them a shorter route and to remain with friends with entering. He also noted that there appears to be adequate space for a vertical platform lift there. Rachel Tanenhaus of the Cambridge Commission for Persons with Disabilities agreed with this suggestion.

Petitioner's Fourth Request relates to guestroom doors, which do not provide a 32-inch clear opening as required. The renovation will replace bathroom doors at all feasible locations and replace all guestroom doors at the property. Petitioner was unable to include replacement of other doors in the renovation scope because of space constraints in the guestrooms and the existing gyp block corridor walls. During the hearing, Petitioner's team noted that some doorways are as narrow as 26 inches. Petitioner confirmed it is able to meet the condition of the as-granted variance, using offset hinges on 25 percent guest room doors, at a cost of approximately \$2,000 per door.

Board members and Petitioner also discussed methods for disseminating information to the public about the varying levels of accessibility in different guestrooms. Petitioner's team indicated that Marriott, the hotel's parent company, controls their website to some extent, but Petitioner is able to make this information available by telephone and at the front desk.

The Board has reviewed and considered the documentation, as well as the witnesses' testimony, in connection with this hearing. The Board now finds that the evidence is sufficient to establish impracticability for Requests 1, 2, and 4, as requiring compliance now would result in excessive costs with no substantial benefit to persons with disabilities. The Board grants the relief as outlined below, and requires further information to reach a decision on Request 3.

Conclusion and Order

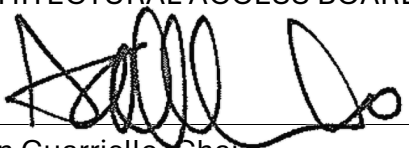
In light of all of the foregoing, the Board votes as follows:

- For Request 1, to AMEND the previously granted variance to 521 CMR 28.1 to require the following CONDITIONS: 1) training for hotel staff and guests on calling and using the compliant elevator; 2) wayfinding signage to the compliant elevator, and; 3) a call mechanism or key that does not require twisting or turning;
- For Request 2, to AMEND the previously granted variance to 521 CMR 27 to include the CONDITION of compliant wall-side handrails;
- For Request 3, to CONTINUE this request regarding 521 CMR 25 and direct Petitioner to provide the Board a test drawing and cost estimate for a vertical platform lift; and,
- For Request 4, to AMEND the previously granted variance to 521 CMR 8 to include the CONDITION. that Petitioner make publicly available information about the width of guest room doors, including on their website to the extent feasible.

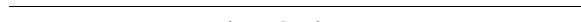
A true copy attest, dated July 29, 2025

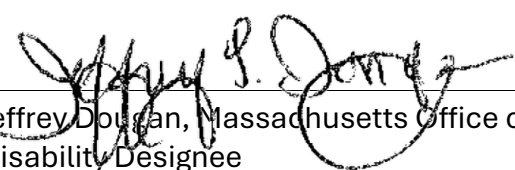
ARCHITECTURAL ACCESS BOARD

By:

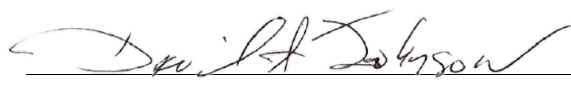

Dawn Guarriello, Chair

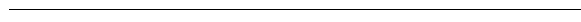
Patricia Mendez, Vice Chair (Not Present)

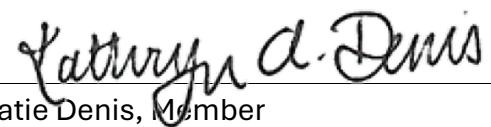

Kay Bell, Executive Office of Elder
Affairs Designee (Not Present)


Jeffrey D. Dougan, Massachusetts Office on
Disability Designee


Elizabeth Myska, Member


David Johnson, Member


Joseph Prochilo, Member (Not Present)


Katie Denis, Member


Pamela Daly, Member

A complete administrative record is on file at the office of the Architectural Access Board.

This constitutes an order of the Architectural Access Board. In accordance with G.L. c. 30A, §14 and G.L. c. 22, §13A, any person aggrieved by this decision may appeal to the Superior Court of the Commonwealth of Massachusetts within thirty (30) days of receipt of it.

2025-07-14 AAB Hearing: Sheraton Commander Hotel, 16 Garden St., Cambridge

From Michael Muehe <Mmuehe@bostoncil.org>

Date Mon 7/14/2025 3:18 PM

To Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

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My testimony today:

2025-07-14 AAB Hearing: Sheraton Commander Hotel, 16 Garden St., Cambridge. Pet'r is spending approx. \$5.9M in renov. to this \$8.2M hotel w/175 guestrooms, spending well over 30%, so triggering § 3.3.2, and Pet'r is seeking 4 variances:

Request 1: § 28 - Elevators - 3 out 4 elevators have small cab sizes that do not meet dimensional req'ts of § 28.1 - on 2/26/25, the Board granted relief w/cond. that the compliant elevator uses a separate call button from the noncompliant elevators. BCIL respectfully requests the Bd. add conditions that 1.) Pet'r provide training to front desk staff and other staff having contact with hotel guests, so they all know where the accessible elevator is located, and 2.) Pet'r provide proper signage so that guests and their visitors with disabilities will know where the accessible elevator is located.

Request 2: § 27.1 - Stair handrails - In their orig. Var Req on 1/27, Pet'r stated there was "not enough room to add compliant handrails without impeding on the egress capacity and required width of the stair. Altering the exlstng stairs is not feasible due to limitations of the existing stair shafts and building structure." On 2/26/25, the Board granted relief "as proposed." Based on a subsequent phone conversation between Pet'r and BCIL and on the supplemental information Pet'r provided to the Board, it appears that Pet'r may have agreed to install compliant wall side handrails in all of its exit stairwells, but this is not entirely clear. Therefore, BCIL respectfully requests the Bd. add this condition to its NoA on 2/26/25.

Request 3: § 25.1 - NuBar Entrance - In 2011, Pet'r constructed a new entrance directly into its NuBar restaurant on Garden St. This new entrance was not constructed to be accessible to PWD, and Pet'r did not apply for a variance from this Board at that time. This info was not included in Pet'r's Var Req on 1/27. BCIL believes the existing NuBar entrance should have been constructed to be accessible in 2011. On 2/26/25, the Board granted relief w/cond. that appropriate wayfinding signage is provided. However, BCIL believes that the existing vestibule could be expanded to include a vertical platform lift. There would be a substantial and long-lasting benefit to people with disabilities in making the NuBar entrance on Garden Street accessible. PWD may prefer using the NuBar entrance directly into the restaurant instead of the longer and more circuitous route through the hotel lobby. For example, since NuBar is used for special events such as weddings, guests w/dis may be wearing fancy or unusual attire, and may not want to use the hotel lobby. Or PWD visiting NuBar with a group of friends together simply may not

want to be separated. Therefore, BCIL respectfully requests the Bd. rescind the relief granted on 2/26/25.

Request 4: § 8.7 - Guestroom Doors - In their orig. Var Req on 1/27/25, Pet'r stated "Replacing doors and frames to all non-accessible guestrooms and bathrooms would be technologically unfeasible due to the constraints of the existing building conditions and structure at this existing property." On 2/21/25, Pet'r clarified that: "Almost all the existing guestroom entry doors (with exception of the new accessible guestrooms) have 32" doors producing a clear opening of approximately 30 1/4". In most cases, adding offset hinges will not make the door openings any wider because of the limitations on the hinge side of the door where the door handle will hit the wall and not allow the door to open 90 degrees, creating an additional accessibility issue." On 2/26/25, the Board CONTINUED to request Petitioner provide the Board with: a test drawing and cost estimate to correct 25% of the doors. On 2/28/25, Pet'r wrote: "We have identified an additional 31 rooms spread out on all guest floors and incorporating all room types to be altered with offset hinges " On 3/11/25, the Board GRANTED relief as proposed on the condition that 25% of the entrance doors into non-accessible sleeping rooms are made compliant. However, it is not clear to BCIL how the 25% number was arrived at. Moreover, 25% of 166 rooms (175 total – 9 accessible = 166) is 41, not 35 (31 new + 4 existing = 35). BCIL believes it is entirely possible that more than 25% of the non-accessible guestroom doors could be modified without triggering impracticability. BCIL respectfully requests the Board order Pet'r to modify as many of the existing non-accessible guestroom doors as possible that would not trigger impracticability.

Best regards,

Michael Muehe

Access Analyst

Boston Center for Independent Living (BCIL)

60 Temple Place, 5th floor

Boston, MA 02111

Mobile: 617-462-3110

Pronouns: he/him/his



Name

Address

City

Bldg Type

Complaint's Name

Sheraton Commander Hotel

16 Garden Street

Cambridge

Docket #

Docket #

Hearing

Time of hearing

Plans on file?

V 25 - 016

C -

7/14/2025

2:00PM

Complaint ?

Variance ?

Request for continuance?

Jurisdiction:

3.3.2

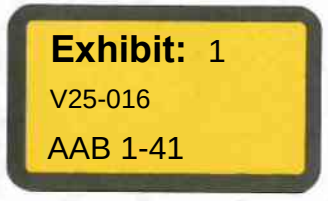
If the work performed amounts to 30% or more of the full and fair cash value of the building, the entire building is required to comply with 521 CMR.

Building Permits:

Assessed Value:

1142186 (pending approval): \$5,644,840

\$8,228,900



Variances to be addressed:

28: In all multi-story buildings and facilities, each level including mezzanines, shall be served by a passenger elevator.

27: All stairs are required to comply

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

8.7: Doors and doorways designed to allow passage into and within all sleeping units or other covered units shall comply with 521CMR 26.00: DOORS AND DOORWAYS on the corridor side of the door only.

On January 27, 2025 the Board received an application for variance for the above referenced address and at the February 24, 2035 meeting the Board voted to Grant relief with conditions to 28.1, 27.1, and 25.1 and continued for more information for 8.7. (See AAB 23-41)

On February 28, 2025 the Board received a response and at the March 20, 2025 meeting the Board voted to Grant relief to 8.7 on the condition that 25% of the entrance doors into non-accessible sleeping rooms are made compliant (See AAB 7-22)

On March 25, 2025 the Board received a Request for an Adjudicatory Hearing from the BCIL and on March 26, 2025 a Notice of Hearing was sent to all parties (See AAB 2-6)

16 Garden Street, Cambridge- Requested Hearing Notice

From Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Date Wed 3/26/2025 8:59 AM

Bcc Michael Muehe <Mmuehe@bostoncil.org>; Richard, Andrew <arichard@cambridgema.gov>; Tanenhaus, Rachel <rtanenhaus@Cambridgema.gov>; ISD <isd@cambridgema.gov>; Michael Guleserian <michael.guleserian@sheratoncommander.com>; ccpd <ccpd@cambridgema.gov>

 1 attachment (559 KB)

Notice of Hearing.pdf;

Good morning,

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 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
617-826-5215



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**

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 25 016**

RE: Sheraton Commander Hotel, 16 Garden 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, **July 14, 2025** at **2:00PM**. Remote meeting information will be sent out prior to the hearing date.

This hearing is upon an application for variance filed by: Michael Guleserian for modification of or substitution of the following Rules and Regulations: 28, 27, 25.1, 8.7. 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.

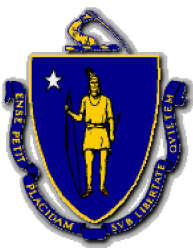
ARCHITECTURAL ACCESS BOARD

Chairperson

Date: March 26, 2025

cc: Local Building Inspector
Independent Living Center
Local Disability Commission

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)

Docket Number: _____
(Staff Use Only)

REQUEST FOR ADJUDICATORY HEARING

RE: Sheraton Commander Hotel, 16 Garden St., Cambridge (V25-016)
(Name and address of building as appearing on application for variance)

I, Michael Muehe, Boston Center for Independent Living, 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) 28, 27, 25.1, 8.7 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: 3/25/2025

Signature

PLEASE PRINT:

Michael Muehe, Boston Center for Independent Living
Name

60 Temple Place, 5th floor
Address

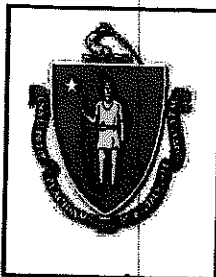
<u>Boston</u>	<u>MA</u>	<u>02111</u>
City/Town	State	Zip Code

mmuehe@bostoncil.org
E-mail

617-462-3110
Telephone

PLEASE NOTE:

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



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

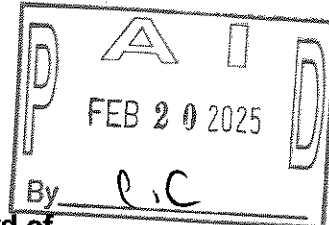
Docket Number

V25-016
(Office Use Only)

5-0297924

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 & molly.griffin@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:

Sheraton Commander Hotel
16 Garden Street
Cambridge, MA 02138

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

Commander Realty Associates Nominee Trust
16 Garden Street
Cambridge, MA 02138

E-mail: michael.guleserian@sheratoncommander.com

Telephone: 617-234-1314

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

Hotel containing seven floors at or above grade. 175 guestrooms. Five function and meeting rooms totaling approximately 5,400SF. Restaurant and lounge. Commercial kitchen and laundry facility. Other spaces common in a full-service hotel.



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 25 016

RE: Sheraton Commander Hotel , 16 Garden Street , Cambridge

On February 28, 2025 the Architectural Access Board received an additional submission from Petitioner. The additional documents were reviewed by the Board on March 10, 2025. At that meeting, the Board voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
1	8.7	GRANTED as proposed on the condition that: 25% of the entrance doors into non-accessible sleeping rooms are made compliant.

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: March 11, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnello WT
Chairperson
ARCHITECTURAL ACCESS BOARD

AAB 26

Sheraton Commander Hotel - additional information - Docket number V25 016

From Michael Guleserian <michael.guleserian@sheratoncommander.com>

Date Fri 2/28/2025 3:30 PM

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

Cc Griffin, Molly (DPL) <Molly.Griffin@mass.gov>; Clifford, Janine <JClifford@jcj.com>

 2 attachments (190 KB)

JCJ 2025_0227 Guestroom Doors - 2025.02.28.pdf; JCJ 2025_0227 Guestroom Doors Sketch - 2028.02.28.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,

We received the Architectural Access Board's Notice of action from our application that was reviewed by the board on February 24, 2025.

I wanted to follow up with the request to provide the Board with a test drawing and cost estimate to correct 25% of the guestroom doors.

25% of our 175 room hotel is 44 rooms. 9 doors will be compliant doors at the accessible guestrooms. 4 rooms (rooms 633, 635, 501 and 503) have existing compliant doors. We have identified an additional 31 rooms spread out on all guest floors and incorporating all room types to be altered with offset hinges.

The cost estimate to alter the 31 guestroom doors is \$2,000 per door which is \$62,000 to alter all 31 doors.

I have included Architectural test drawings as well as a detail for your review.

Can you confirm that we are automatically added to the March 10th meeting or is there something I need to do for this continuance to be reviewed at the next meeting?

Please let me know what questions you may have.

Warm regards,



Michael Guleserian
General Manager

O 617 234 1314 **M** 617 547 4800

Sheraton Commander Hotel
16 Garden Street

Cambridge, MA 02138

Marriott.com/BOSCS

Operated under license from Marriott International, Inc., or one of its affiliates.

This communication contains information from Sheraton that may be confidential. Except for personal use by the intended recipient, or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing, and/or using it. If you have received this communication in error, please immediately delete it and all copies, and promptly notify the sender. Nothing in this communication is intended to operate as an electronic signature under applicable law.

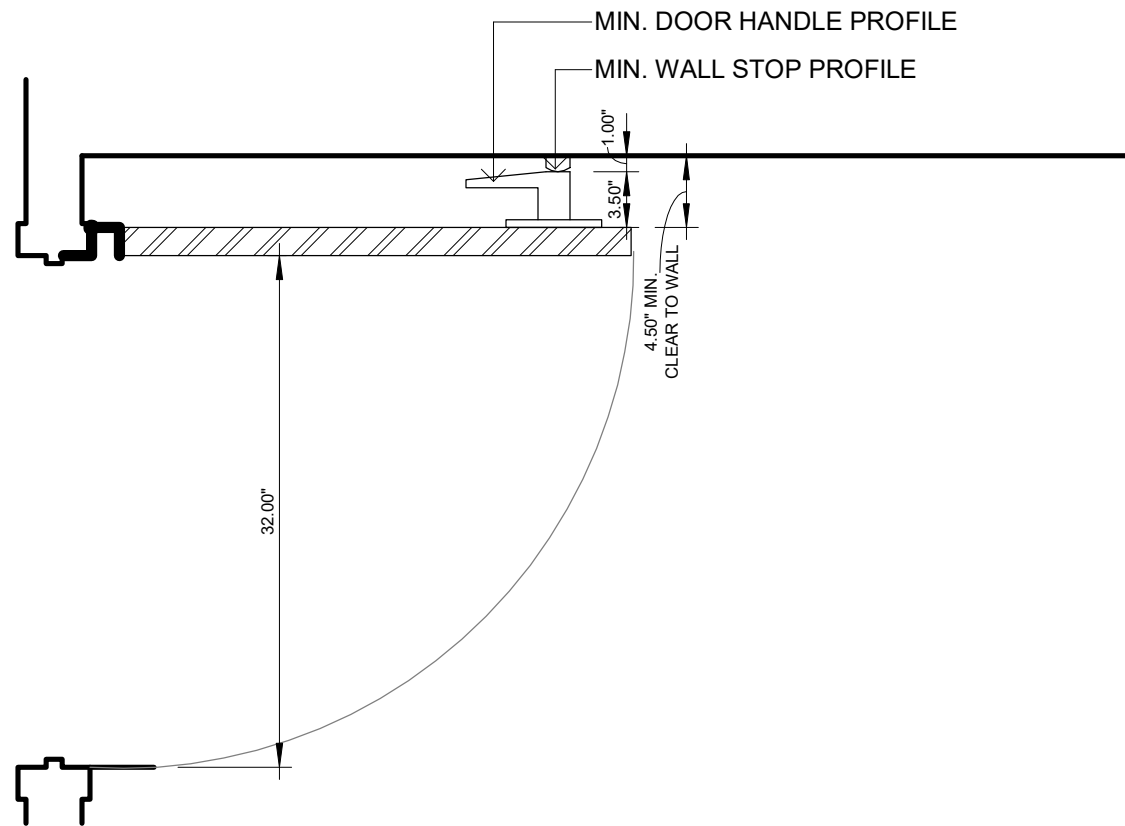


DIAGRAM OF 32" EXISTING DOOR W/OFFSET HINGES
SCALE: 1"= 1'-0"

STUDY FOR 25% GUESTROOM DOORS TO COMPLY WITH 521 CMR 8.7

44 =25% OF 175 TOTAL GUESTROOMS

9 =COMPLIANT DOORS AT ACCESSIBLE GUESTROOMS

4 =EXISTING COMPLIANT DOORS AT RMS 633, 635, 501, 503

31 =ADDITIONAL 32" GUESTROOM DOORS TO BE ALTERED, SEE BELOW:

(3) K1.1 KING GUESTROOMS

(4) K2 KING GUESTROOMS

(4) K4 KING GUESTROOMS

(5) K5 KING GUESTROOMS

(6) K13 KING GUESTROOMS

(1) KSTE2.1 KING SUITE (HI)

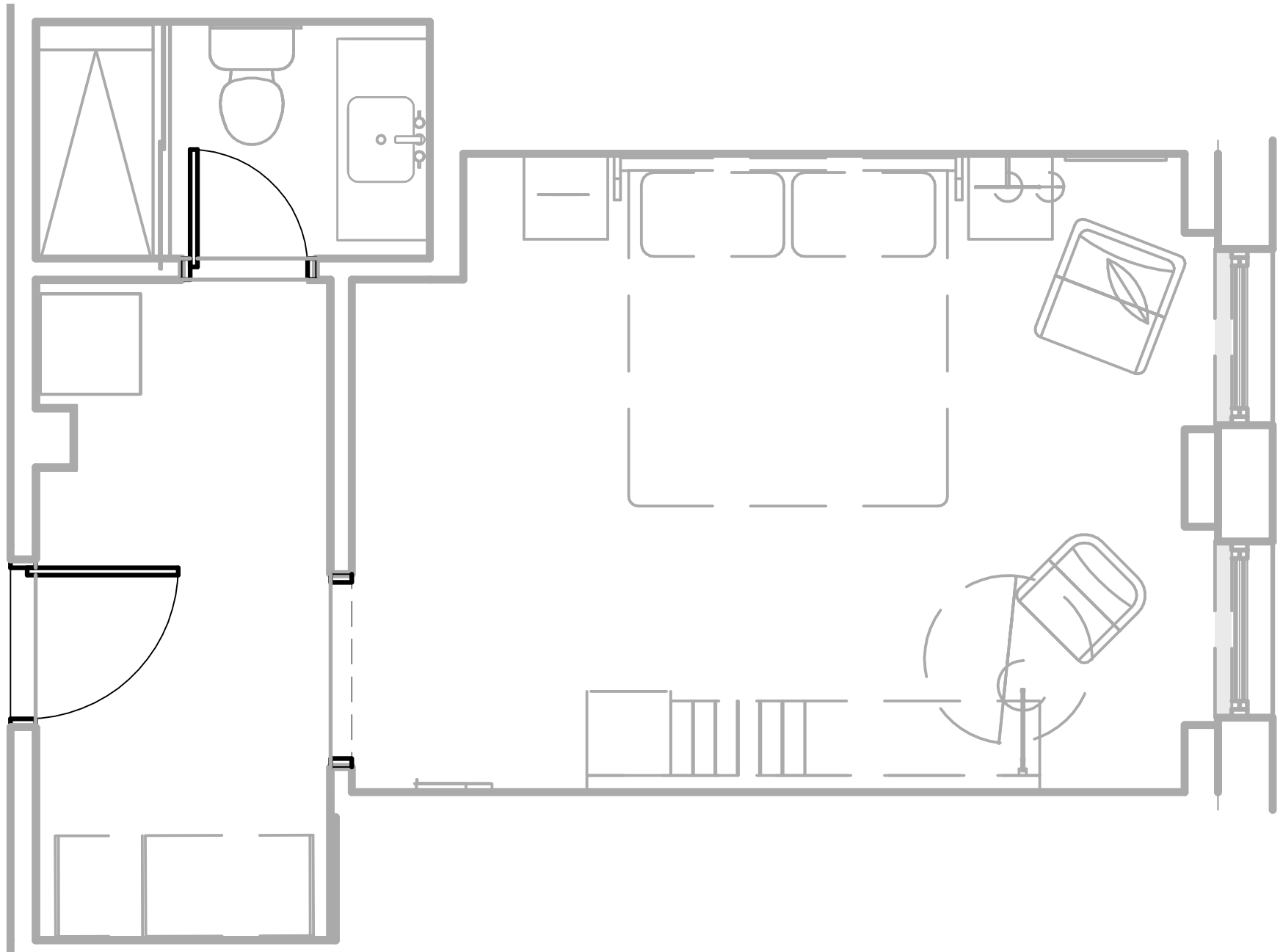
(1) Q2 QUEEN GUESTROOM

(4) QQ1/QQ1.1 DOUBLE QUEEN GUESTROOMS

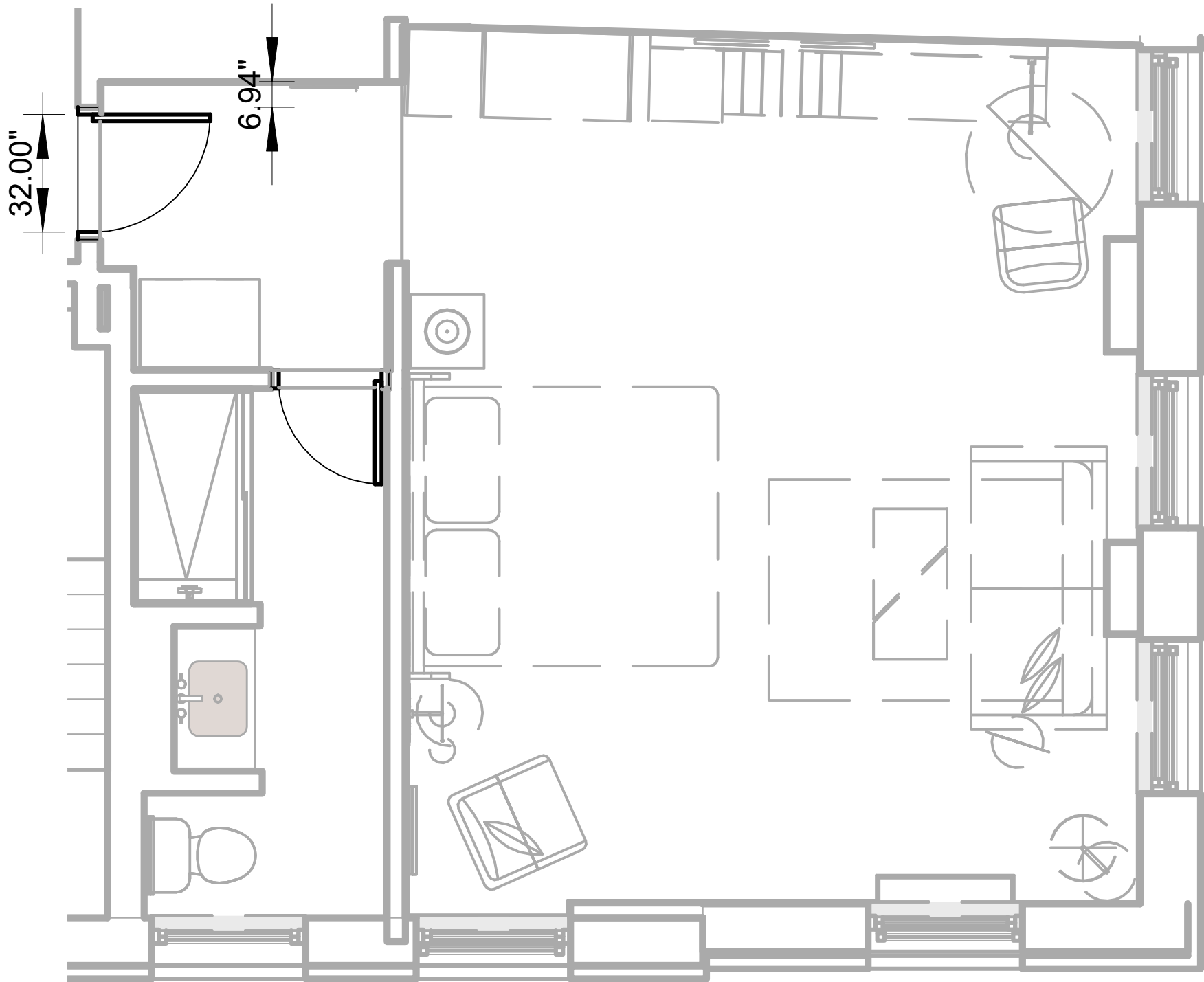
(3) QQ5 DOUBLE QUEEN GUESTROOMS

31 TOTAL

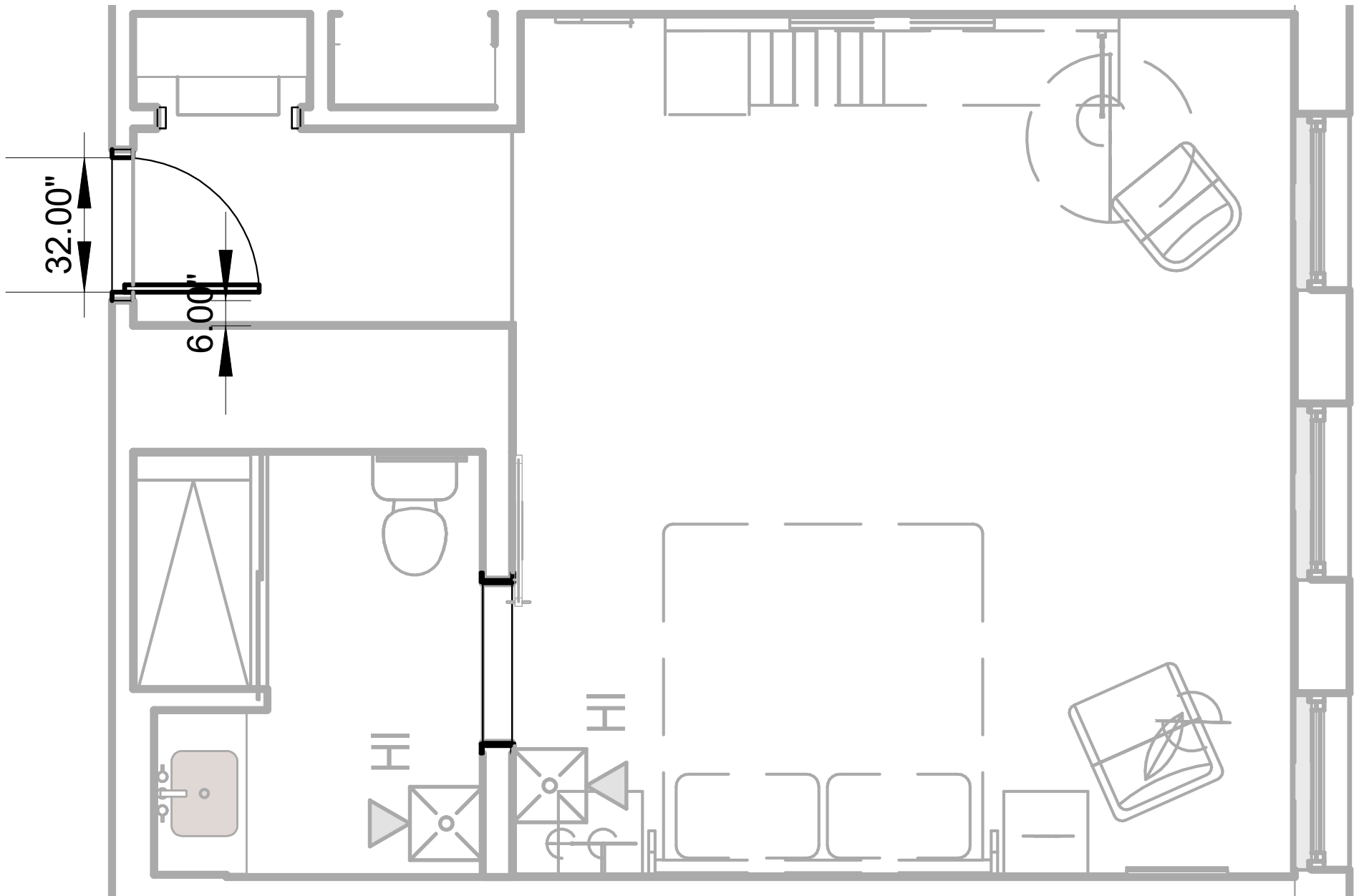
32.00"



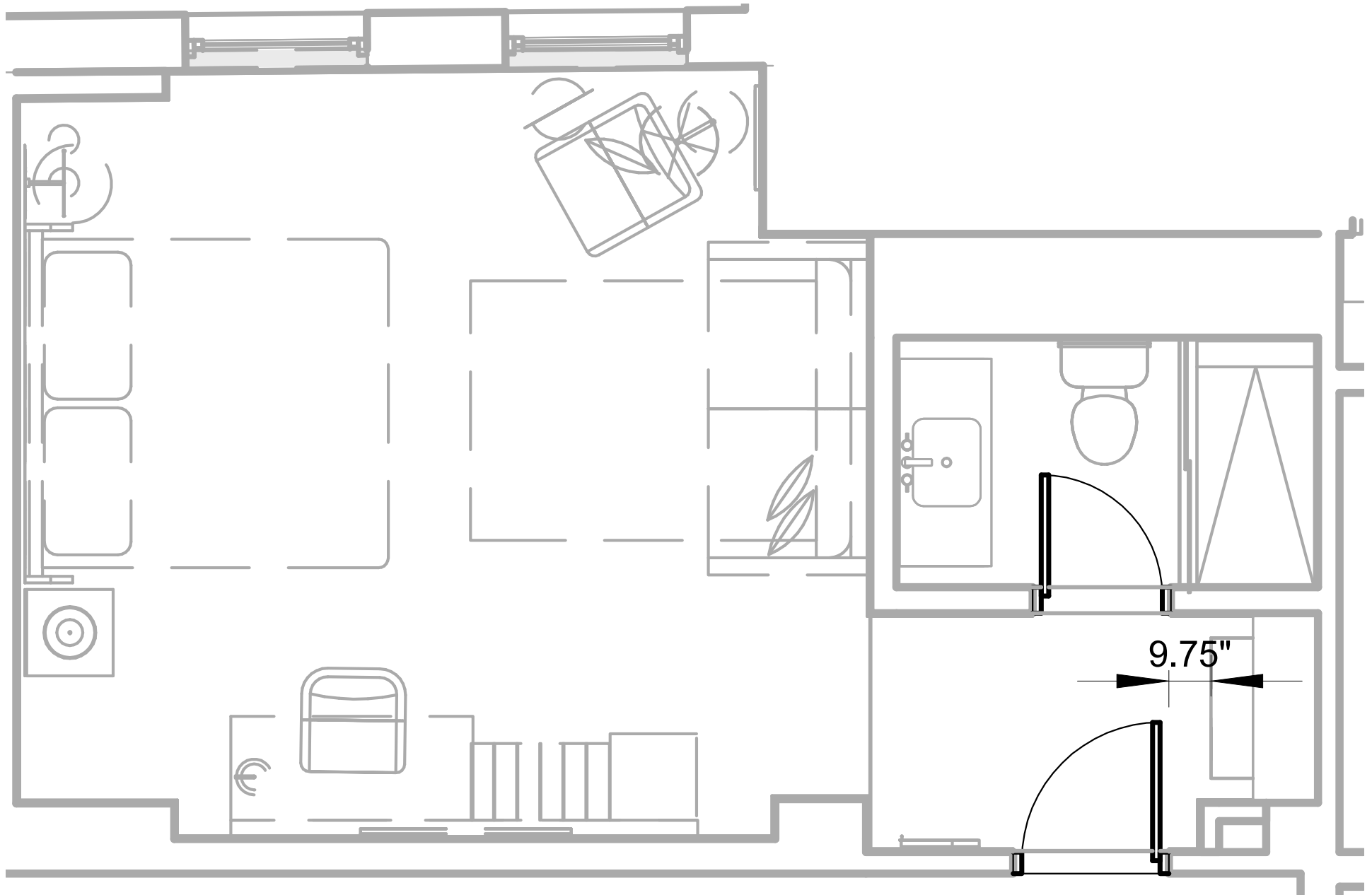
K1.1 GUESTROOM (QTY: 3) 139, 339, 439



K2 GUESTROOM (QTY: 4) 133, 233, 333, 433



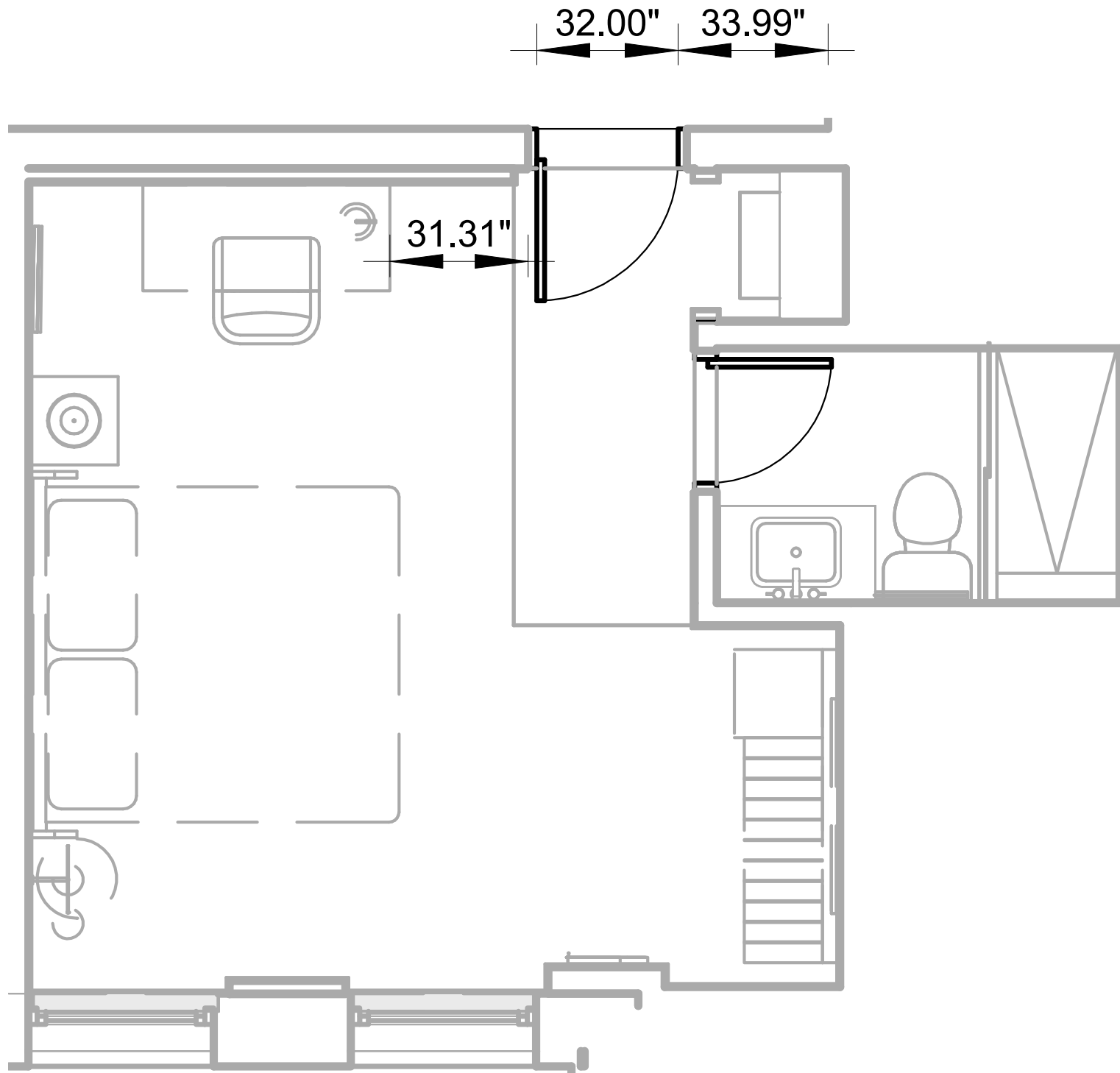
K4 GUESTROOM (QTY: 4) 116, 216, 316, 416



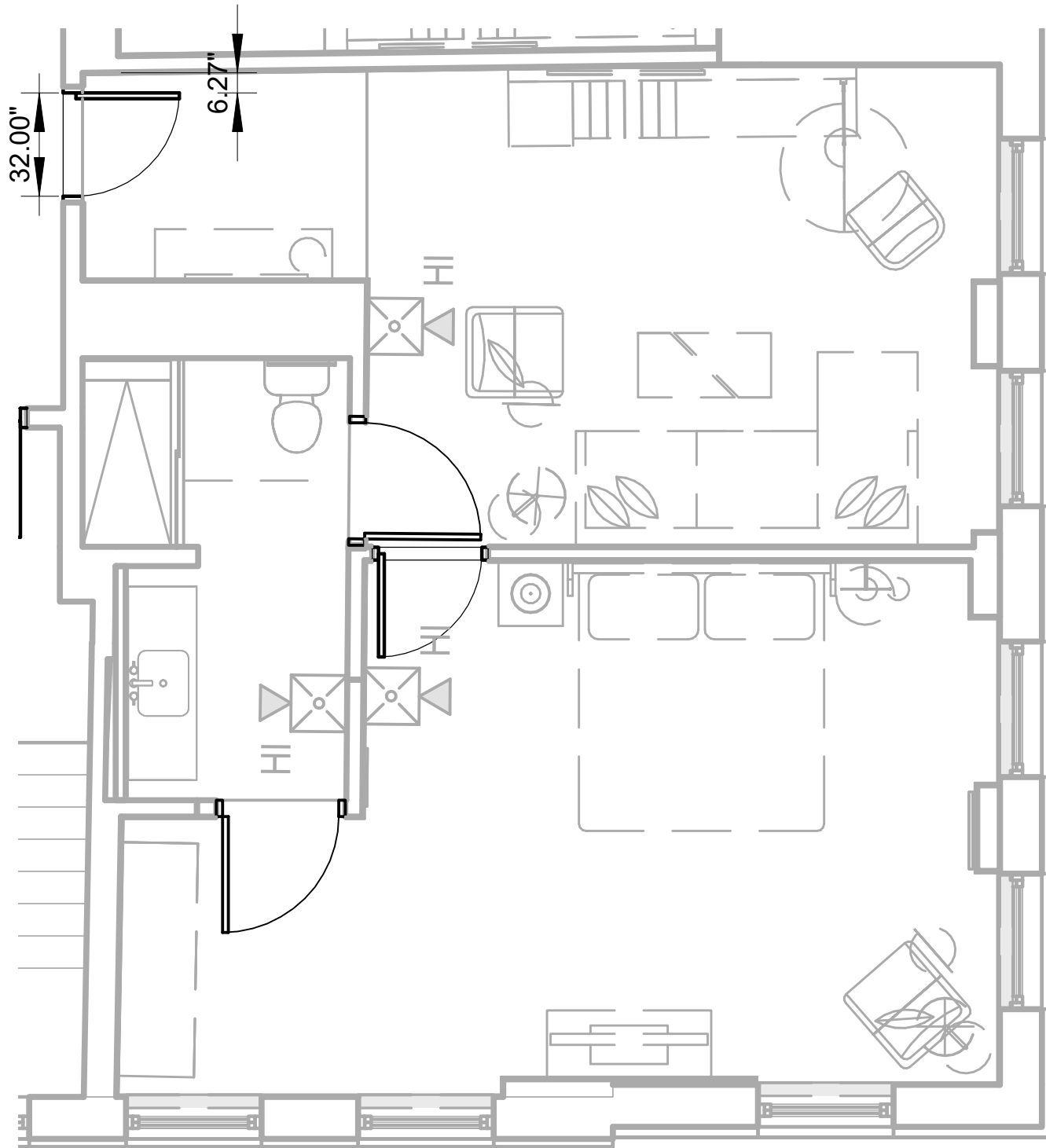
K5 GUESTROOM (QTY: 5) 125, 225, 325, 425, 625

32.00"

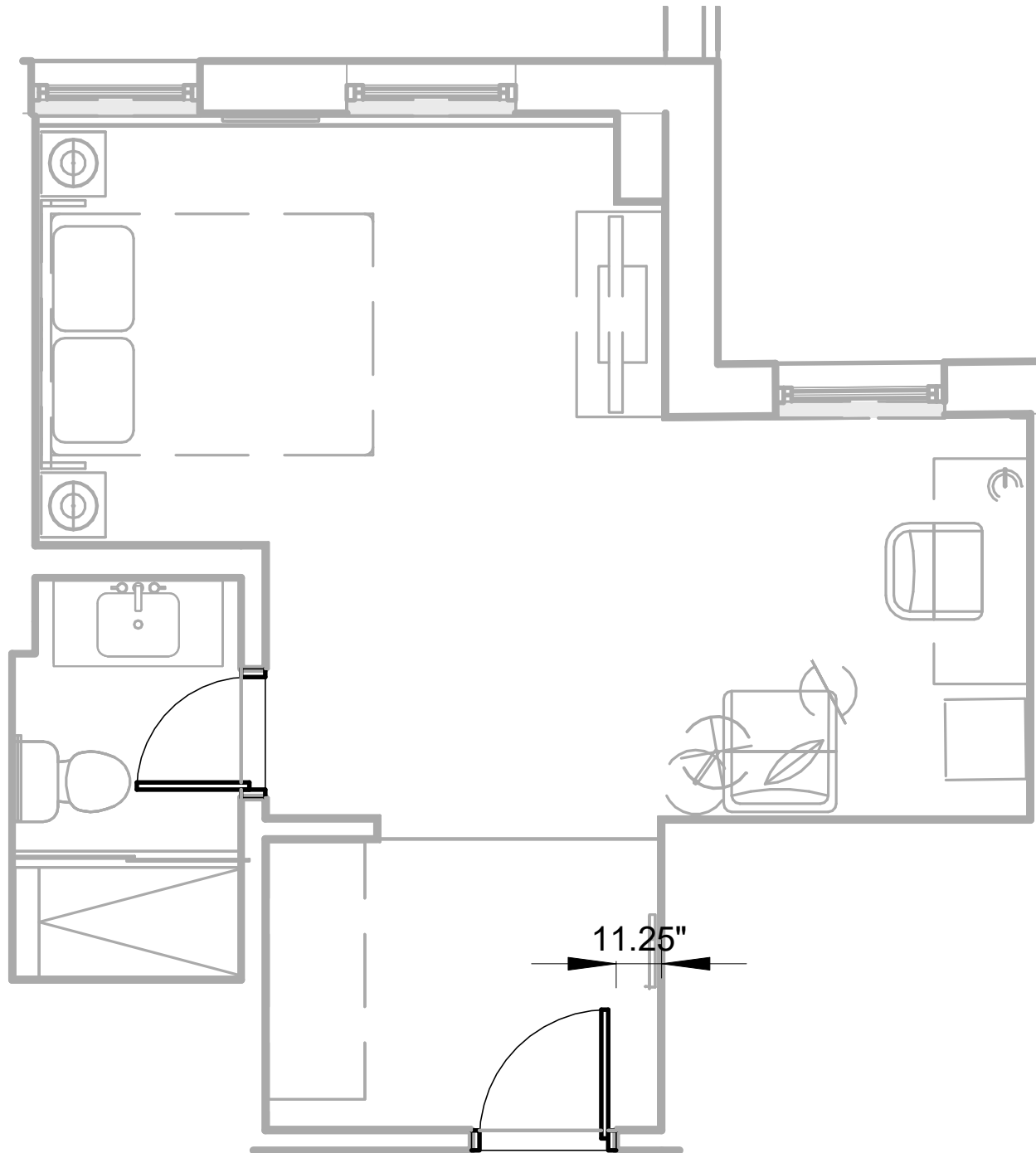
AAB 34



K13 GUESTROOM (QTY: 6) 126, 226, 326, 426, 526, 626

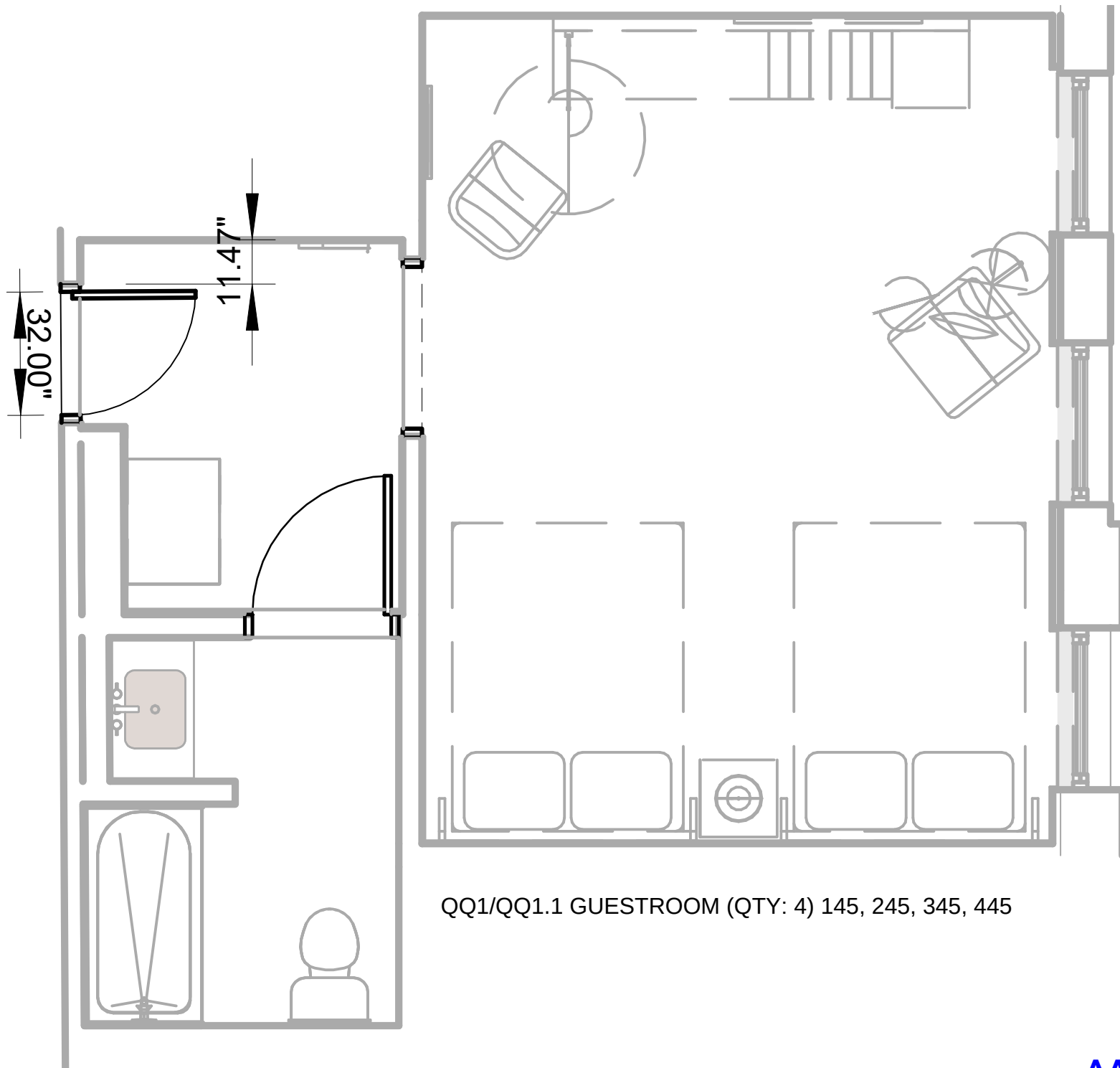


KSTE2.1 HI SUITE (QTY: 1) 532

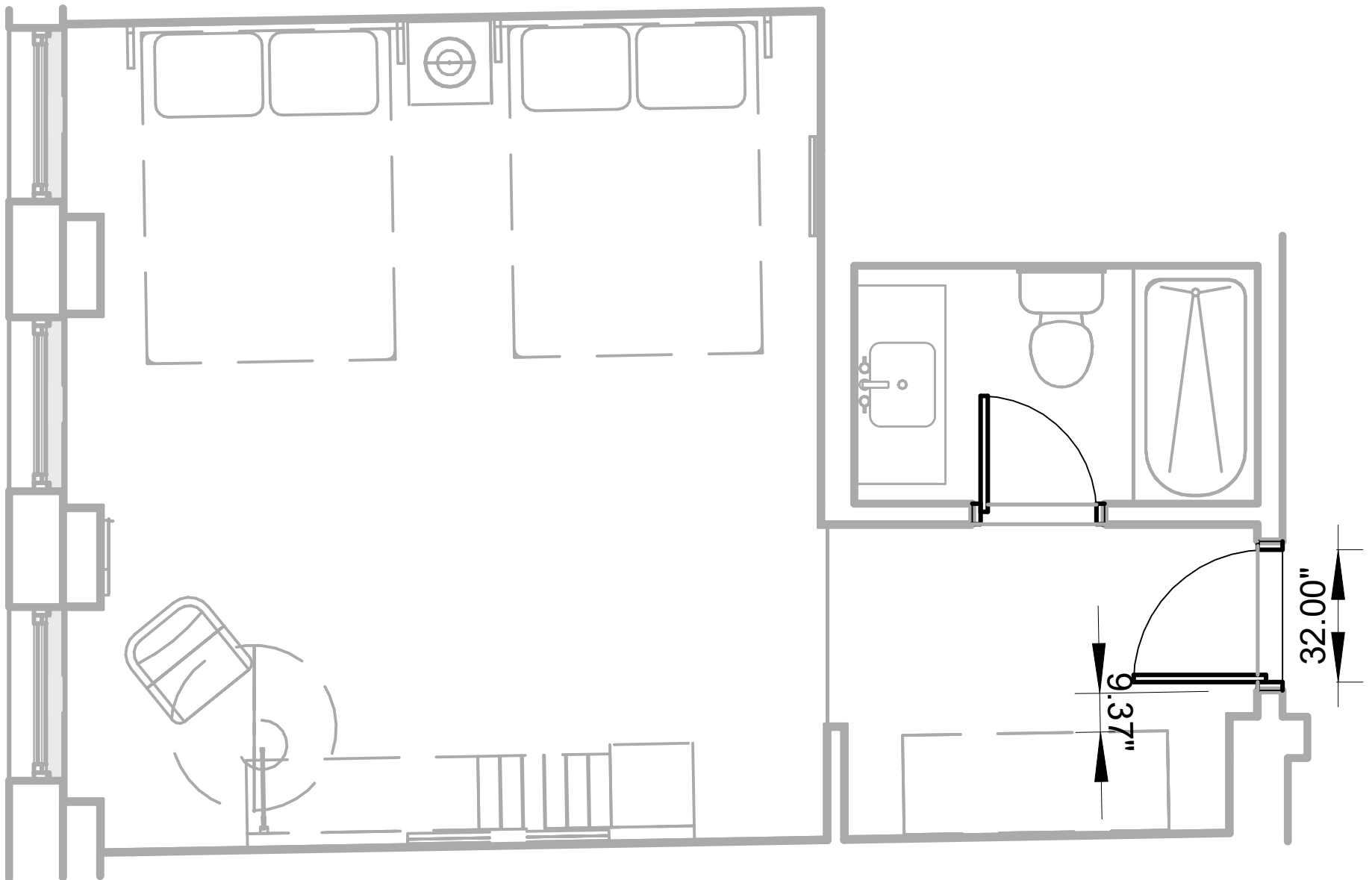


Q2 GUESTROOM (QTY: 1) 521

32.00"



QQ1/QQ1.1 GUESTROOM (QTY: 4) 145, 245, 345, 445



QQ5 GUESTROOM (QTY: 3) 111, 311, 411

Fw: Sheraton Commander Hotel Cambridge

From Joyce, William (DPL) <William.Joyce@mass.gov>
 Date Wed 2/19/2025 2:11 PM
 To Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

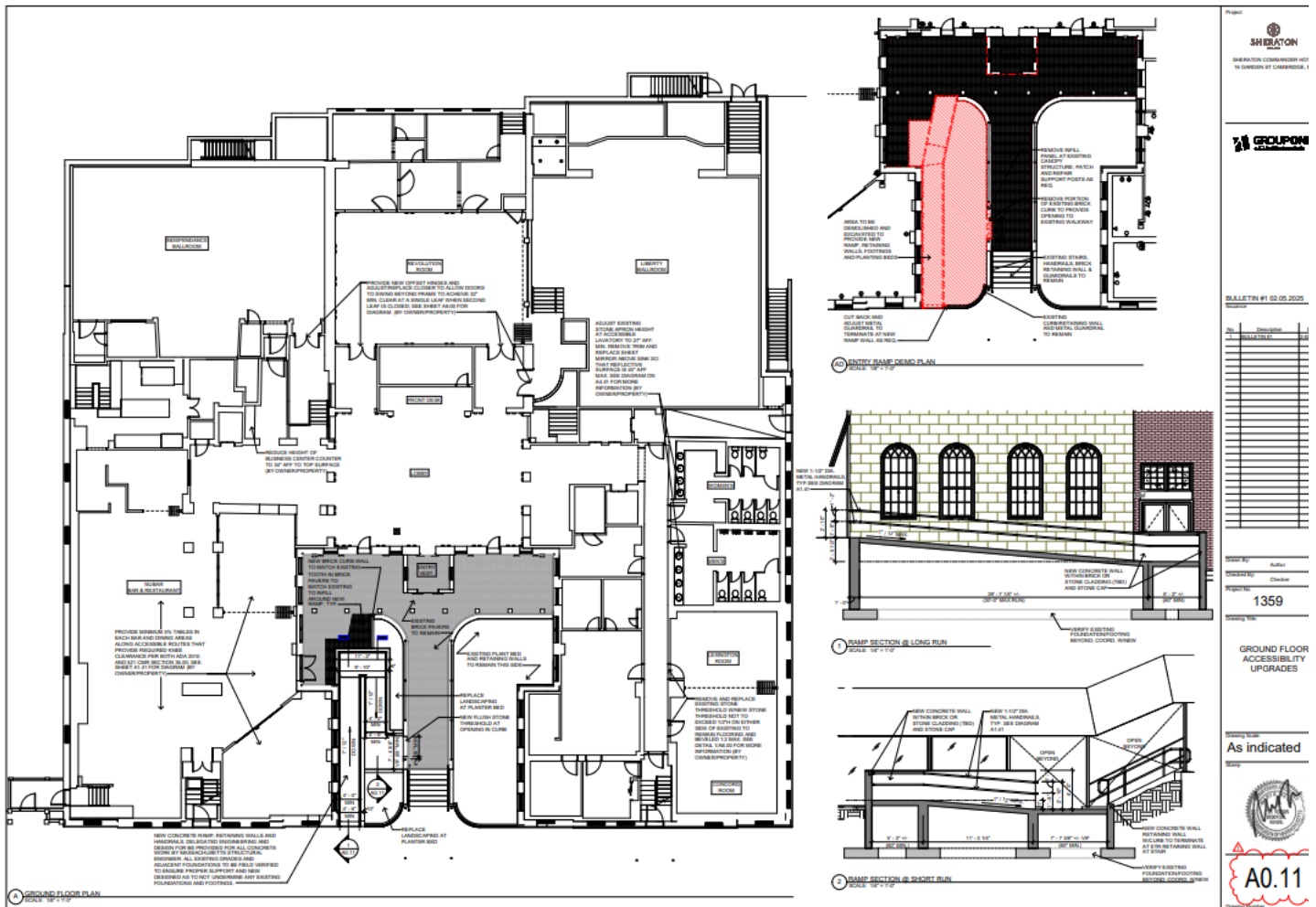
For the file on this. As their original application showed a non-complaint ramp.

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/aabwww.mass.gov/aab

From: Richard, Andrew <arichard@cambridgema.gov>
Sent: Wednesday, February 19, 2025 11:40 AM
To: Joyce, William (DPL) <William.Joyce@mass.gov>
Subject: RE: Sheraton Commander Hotel 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.



From: Joyce, William (DPL) <William.Joyce@mass.gov>
Sent: Wednesday, February 19, 2025 11:08 AM
To: Richard, Andrew <arichard@cambridgema.gov>
Subject: Re: Sheraton Commander Hotel Cambridge

Good morning,

That would be helpful.

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

From: Richard, Andrew <arichard@cambridgema.gov>
Sent: Friday, February 14, 2025 11:02 AM
To: Joyce, William (DPL) <William.Joyce@mass.gov>
Subject: Sheraton Commander Hotel 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.

Hi William, this message is to inform you that the application for the renovations for the Sheraton hotel does now include a revised ramp that would make the main entry to the hotel accessible. Let me know if you want me to send you a copy of the plans for the ramp.



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 25 016**

RE: Sheraton Commander Hotel , 16 Garden Street , Cambridge

On January 27, 2025 the Architectural Access Board received an application submitted by Michael Guleserian . This application and all attached documentation were reviewed by the Board on February 24, 2025 .

At that meeting, the Board voted as follows:

<u>#</u>	<u>Section</u>	<u>Result</u>
1	28.1	GRANTED as proposed on the condition that: the compliant elevator uses a separate call button from the noncompliant elevators.
2	27.1	GRANTED as proposed.
3	25.1	GRANTED as proposed on the condition that: appropriate wayfinding signage is provided
4	8.7	CONTINUED to request Petitioner provide the Board with: a test drawing and cost estimate to correct 25% of the doors.

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 26, 2025

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Dawn Guarnello WT

Chairperson
ARCHITECTURAL ACCESS BOARD **AAB 42**

Variance Application - 16 Garden Street, Cambridge

From Michael Guleserian <michael.guleserian@sheratoncommander.com>

Date Mon 1/27/2025 10:20 AM

To Joyce, William (DPL) <William.Joyce@mass.gov>; Griffin, Molly (DPL) <Molly.Griffin@mass.gov>

Cc wpugliese@cambridgema.gov <wpugliese@cambridgema.gov>; ccpd@cambridgema.gov <ccpd@cambridgema.gov>; muehe@bostoncil.org <muehe@bostoncil.org>; 'twgule@yahoo.com' <twgule@yahoo.com>; Clifford.Janine <JClifford@jcj.com>

 2 attachments (12 MB)

2025_0124 Sheraton Commander Cambridge MA- Overall Floor Plans & Photos.pdf; AAB variance app_20250127101016.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.

William and Molly,

Attached is the Application for Variance for The Sheraton Commander Hotel, Located at 16 Garden Street in Cambridge, MA.

Additionally, I have asked our accounting office to process and mail the \$50 filing fee.

Please let us know is you need anything else.

Warm regards,



Michael Guleserian
General Manager

O 617 234 1314 **M** 617 547 4800

Sheraton Commander Hotel

16 Garden Street

Cambridge, MA 02138

Marriott.com/BOSCS

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**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)

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 & molly.griffin@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:

Sheraton Commander Hotel
16 Garden Street
Cambridge, MA 02138

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

Commander Realty Associates Nominee Trust
16 Garden Street
Cambridge, MA 02138

E-mail: michael.guleserian@sheratoncommander.com

Telephone: 617-234-1314

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

Hotel containing seven floors at or above grade. 175 guestrooms. Five function and meeting rooms totaling approximately 5,400SF. Restaurant and lounge. Commercial kitchen and laundry facility. Other spaces common in a full-service hotel.

4. Total square footage of the building/facility: 112,000SF

Per floor: Varies by Floor

a. Total square footage of tenant space (if applicable): NA

5. What was the original year of construction for the building/facility: 1926?

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):

Renovation of certain guestrooms and guest bathrooms.
Incorporation of certain accessibility features where possible / feasible including:
* Increasing the number of accessible guest rooms to meet or exceed 5% of total guestroom count and to distribute the accessible guest rooms by floor and type.
* Update fixtures in existing accessible guest bathrooms.
* Update fixtures in existing accessible guest bathrooms with roll-in showers.
* Install hardwired devices for hearing impaired persons in 14 guestrooms and 1 accessible guestroom.
* Renovate or replace the current exterior ramp providing access to the front vestibule.

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

☐ 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:

<u>Permit #</u>	<u>Date of Issuance</u>	<u>Value of Work</u>
1142186*	*Pending issuance on AAB	\$ 5,644,840.00
	Variances requested	

(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:

\$ 250,000.00

12. Has a certificate of occupancy been issued for the facility? ☒ Yes ☐ No

If yes, state the date it was issued: Note: Permit is not yet open as it is pending decision on AAB Variances requested on this form per City of Cambridge.

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: \$ 8,228,900.00

Is the assessment at 100%? ☒ Yes ☐ No

If not, what is the town's current assessment ratio? 100%

15. State the phase of design or construction of the facility as of the date of this application:
In Permit Review for proposed renovation work to Guest Levels only.

Please list specific technical sections, not 521 CMR 3.**Request #1**Section(s) for which you are seeking relief: 28.00Are you seeking temporary relief: ☐ Yes ☒ No

If yes, what date 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 property has (4) passenger elevators available for guest use. (1) of the elevators complies with 521 CMR, however the other (3) do not due to existing structure constraints. The elevator cabs have been previously replaced to their maximum size per the constraints of the existing structure allowance. Alterations to the elevators and cabs are not included in the scope of work.

Increasing the size of the (3) non-compliant passenger elevators is not feasible due to the limitations of the existing elevator shafts and building structure, resulting in compliance with 521 CMR being technologically unfeasible for this existing property.

Types of Attachments for this Request:

- ☒ Floor/Site Plans, ☐ Cost Estimates,
☐ Photographs, ☐ Test Drawings,
☐ Other(s): _____

Request #2Section(s) for which you are seeking relief: 27.00Are you seeking temporary relief: ☐ Yes ☒ No

If yes, what date 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 existing stairs do not have a secondary inside handrails separate to the guardrail to comply with CMR 521 stair handrail requirements.

There is not enough room to add compliant handrails without impeding on the egress capacity and required width of the stair. Altering the existing stairs is not feasible due to limitations of the existing stair shafts and building structure, resulting in compliance with 521 CMR being technologically unfeasible for this existing property.

Types of Attachments for this Request:

- ☒ Floor/Site Plans, ☐ Cost Estimates,
☒ Photographs, ☐ Test Drawings,
☐ Other(s): _____

Request #3

Section(s) for which you are seeking relief: 25.1

Are you seeking temporary relief: ☐ Yes ☒ No

If yes, what date 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):

There are two public entrances to the restaurant, NuBar, one from the hotel lobby and one from the sidewalk on Garden Street. The public entrance from the sidewalk to the restaurant and bar (NuBar) is not accessible via ramp or lift. Accessible entrance to the restaurant is only through the hotel lobby. Due to construction constraints at the exterior of the property and space limitations within the restaurant, creating an accessible entrance utilizing a lift or ramp at the sidewalk is not feasible and would have severe detrimental impact on the capacity of the restaurant at the interior side, compliance with 521 CMR would result in excessive and unreasonable costs without any substantial benefit to persons with disabilities.

Types of Attachments for this Request:

- ☐ Floor/Site Plans, ☐ Cost Estimates,
☒ Photographs, ☐ Test Drawings,
☐ Other(s): _____

Request #4

Section(s) for which you are seeking relief: 8.7

Are you seeking temporary relief: ☐ Yes ☒ No

If yes, what date 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 existing doors to the non-accessible guestrooms, bathrooms, and living areas do not provide 32" clear at the opening. The renovation scope includes replacement of bathroom doors at all feasible locations as permitted by existing conditions and doors for ALL accessible rooms. All other doors are not in scope to replace due to construction constraints to increase the door size at the existing gyp. block corridor walls and space constraints within bathrooms/bedrooms. Replacing doors and frames to all non-accessible guestrooms and bathrooms would be technologically unfeasible due to the constraints of the existing building conditions and structure at this existing property.

Types of Attachments for this Request:

- ☒ Floor/Site Plans, ☐ Cost Estimates,
☐ Photographs, ☐ Test Drawings,
☐ Other(s): _____

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:

JCJ Architecture
9 Channel Center Street
Suite 200
Boston, MA 02210
Attn.: Janine Clifford

E-mail: jclifford@jcj.com

Telephone: 857.309.4847 (Direct) 413-687-4281 (Mobile)

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

Bill Pugliese
831 Mass Ave, Cambridge MA 02139

E-mail: wpugliese@cambridgema.gov

Telephone: 617-349-6100

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

Date: 1/24/25

Signature of owner or authorized agent *(required)*

PLEASE PRINT:

Michael Guleserian

Name

Sheraton Commander Hotel

Organization (If Applicable)

16 Garden Street

Address

Address 2 (optional)

Cambridge, MA 02138

City/Town

State

Zip Code

michael.guleserian@sheratoncommander.com

E-mail

617-234-1314

Telephone

SERVICE NOTICE

I, Michael Guleserian

(Name)

, as Applicant

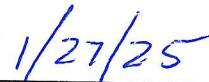
(Relationship to the applicant)

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:

	<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>	<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1 Building Department	Bill Pugliese 831 Mass Ave, Cambridge, MA 02138 wpugliese@cambridgema.gov	Email	1/27/25
2 Local Commission on Disability (If Applicable)	Rachel Tanenhaus 51 Inman Street, Cambridge, MA ccpd@cambridgema.gov	Email	1/27/25
3 Independent Living Center	Michael Muehe 60 Temple Place, 5th floor Boston, MA 02111 mmuehe@bostoncouncil.org	Email	1/27/25



Signature



Date



Note: Alteration to be made to ramp to update for compliance with current CMR 521 requirements included in renovation scope

LEGEND
1- Variance Requested for CMR 521 28.00 Elevators
2- Variance Requested for CMR 521 27.00 Stairs
3a- Variance Requested for non-accessible entrance from sidewalk at Garden St.
3b- Accessible path and entrance from hotel lobby
4a- Accessible Room- ALL doors shall be made compliant with CMR 521 8.7 per renovation scope
4b- Additional doors at these locations are scheduled to be replaced with new doors compliant with CMR 521 8.7 (all feasible locations)



Entrances to NuBar Restaurant at Garden Street.



Photo of Accessible Path from Hotel Lobby



Photos of Egress Stairwell (Typical)

PERMIT ISSUE 10.16.2024
issuance[illegible]

Drawn By: JC

Checked By: JC/AL

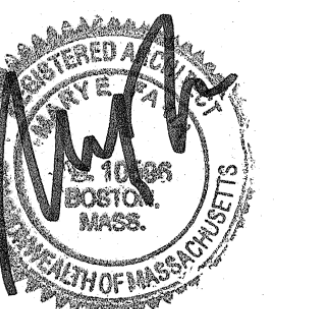
Project No: 1359

Drawing Title: _____

OVERALL FLOOR PLAN - GUEST LEVEL 1

Drawing Scale:
 $1/8" = 1'-0"$

Stamp _____



A1.00

Drawing Number **AAB 55**

AK1 ACC KING	1
AK2 ACC KING	1
AK3 ACC KING	1
AKSTE	1
AQO1 ACC QUEEN/QUEEN	3
AQO2 ACC QUEEN/QUEEN	2
K1 KING	13
K1.1 KING	3
K1.2 KING	4
K1.3 KING	1
K2 KING	4
K2.1 KING	3
K2.2 KING	1
K3 KING	2
K3.1 KING	2
K3.2 KING	3
K3.3 KING	2
K3.4 KING	3
K4 KING	4
K4.1 KING	2
K5 KING	5
K6 KING	5
K7 KING	4
K8 KING	3
K8.1 KING	1
K9 KING	4
K10 KING	4
K11 KING	4
K11.1 KING	1
K11.2 KING	1
K12 KING	6
K13 KING	6
K14 KING	2
K15 KING	1
K16 KING	1
K17 KING	1
K17.1 KING	1
K18 KING	1
K19 KING	1
K20 KING	1
K21 KING	2
K22 KING	1
K23 KING	1
K24 KING	2
K25 KING	2
KSTE1 KING SUITE	6
KSTE2 KING SUITE	1
KSTE2.1 KING SUITE	1
KSTE3 KING SUITE	1
KSTE4 KING SUITE	1
KSTE5 KING SUITE	1
Q1 QUEEN	4
Q1.1 QUEEN	1
Q2 QUEEN	1
Q2.1 QUEEN	1
QO1 QUEEN/QUEEN	2
QO1.1 QUEEN/QUEEN	2
QO2 QUEEN/QUEEN	4
QO3 QUEEN/QUEEN	2
QO4 QUEEN/QUEEN	3
QO5 QUEEN/QUEEN	3
QO6 QUEEN/QUEEN	4
QO7 QUEEN/QUEEN	1
QO8 QUEEN/QUEEN	5
QO9 QUEEN/QUEEN	4
QO10 QUEEN/QUEEN	3
QO11 QUEEN/QUEEN	2
QO12 QUEEN/QUEEN	1
QO13 QUEEN/QUEEN	1
QO13.1 QUEEN/QUEEN	1
QO14 QUEEN/QUEEN	1
QO15 QUEEN/QUEEN	1

LEGEND
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4a- Accessible Room- ALL doors shall be made compliant with CMR 521 8.7 per renovation scope 4b- Additional doors at these locations are scheduled to be replaced with new doors compliant with CMR 521 8.7 (all feasible locations)

ACCESSIBLE GUESTROOMS:

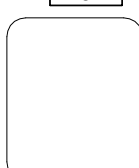
KING:	3
QUEEN/QUEEN:	5
1 BED SUITE:	1
<u>TOTAL</u>	9 (REQ. PER MA CMR 521)

ROLL-IN SHOWERS: 2
ACC. TUBS: 7

COMMUNICATION ROOMS REQ: 14 (PER ADA 2010),

NOTE: (1) ACCESSIBLE ROOM AND (13) NON-ACCESSIBLE ROOMS TO BE PROVIDED WITH COMMUNICATION FEATURES TO INCLUDE HARDWIRED PUSH BUTTON DOOR BELL, DOOR BELL STROBE, DOORBELL DISCONNECT SWITCH AND FA STROBE DEVICES ADDED (LOCATIONS TBD) FA STROBES TO OCCUR IN ALL BEDROOM/LIVING SPACES AND GUEST BATHS. ADDITIONAL DOORBELL SIGNAL DEVICE TO BE INSTALLED IN BEDROOM AND LIVING SPACE ONLY. TELEPHONE DEVICES WITH VISUAL SIGNAL AND TTY COMPATIBILITY TO BE PROVIDED IN ALL COMMUNICATION ROOMS BY PROPERTY.

SYMBOL LEGEND

	EXISTING FIRE EXTINGUISHER CABINET
	ACCESSIBLE GUESTROOM
	HEARING IMPAIRED GUESTROOM
Room name ←	ROOM NAME
 101 ←	ROOM NUMBER
	
	CALLOUT NUMBER
	DWC NUMBER WHERE CALLOUT APPEARS

GENERAL NOTES

1. REFER TO SHEETS A1.10- FOR ENLARGED CORRIDOR & ELEVATOR LOBBY FLOOR PLANS.
2. REFER TO SHEETS A1.20-A1.29 FOR ENLARGED GUESTROOM PLANS.
3. REFER TO SHEETS A0.10 FOR OVERALL SCOPING PLANS

 INDICATES AREAS NOT IN SCOPE OF WORK

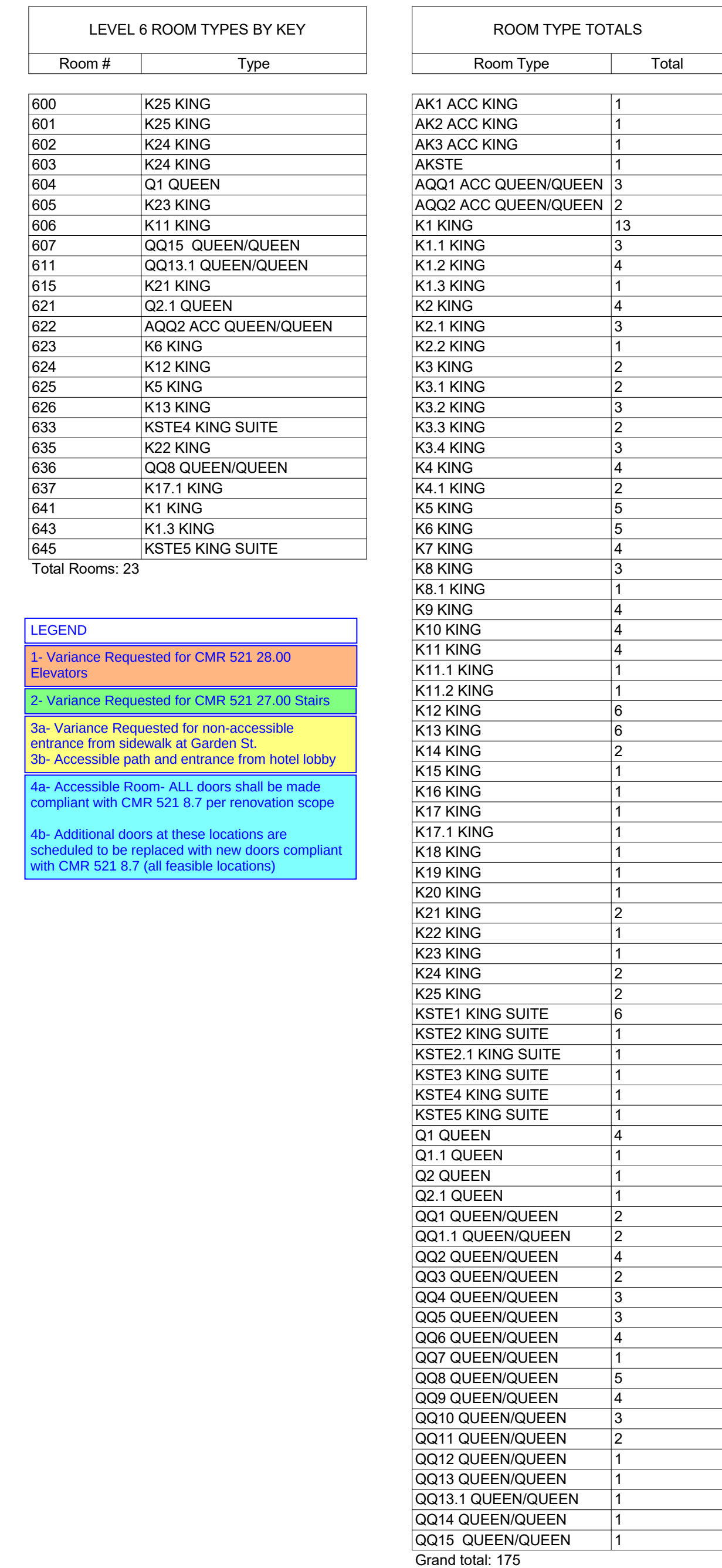


[illegible]

OVERALL FLOOR PLAN -
GUEST LEVEL 3

AAB 57

 INDICATES AREAS NOT IN SCOPE OF WORK



 INDICATES AREAS NOT IN SCOPE OF WORK