



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2024 MAY 24 AM 8:42

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 272139

General Information

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

Special Permit: _____ Variance: X Appeal: _____

PETITIONER: Al-Amin, Inc. C/O Adam Dash, Esq.

PETITIONER'S ADDRESS: 48 Grove Street, Somerville, MA 02144

LOCATION OF PROPERTY: 378-380 RINDGE AVE., Unit 1, Cambridge, MA

TYPE OF OCCUPANCY: Mosque (residential) ZONING DISTRICT: Residence C 1-A and MXR

REASON FOR PETITION:

/Additions/ /Change in Use/Occupancy/

DESCRIPTION OF PETITIONER'S PROPOSAL:

Additions for a third floor, at the Northeast corner, and in the rear of the existing non-conforming structure for a Dover Amendment-Protected religious use as a mosque. Variances are required for Gross Floor Area, Floor to Area Ratio, Open Space, and alteration of a nonconforming structure.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 5.000 Section: 5.31 (Table of Dimensional Requirements).
Article: 8.000 Section: 8.22.3 (Non-Conforming Structure).
Article: 10.000 Section: 10.30 (Variance).

Original
Signature(s):

(Petitioner (s) / Owner)

Al-Amin, Inc. c/o Adam Dash, Esq.

(Print Name)

Address: 48 Grove Street, Suite 304, Somerville, MA 02144
Tel. No. 617-625-7373
E-Mail Address: dash@adamdashlaw.com

Date: May 22, 2024

BZA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I/We Al-Amin, Inc.
(OWNER)

Address: 378 Rindge Avenue, Cambridge, MA 02140

State that I/We own the property located at 380 Rindge Avenue, Unit 2,
which is the subject of this zoning application.

The record title of this property is in the name of Al-Amin, Inc.

*Pursuant to a deed of duly recorded in the date Jan. 12, 2005, Middlesex South
County Registry of Deeds at Book 44467, Page 197; or
Middlesex Registry District of Land Court, Certificate No. _____
Book _____ Page _____.

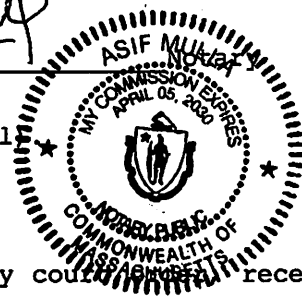
**SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT***

***Written evidence of Agent's standing to represent petitioner may be requested.**

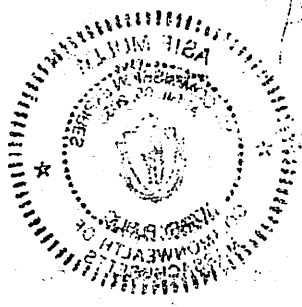
Commonwealth of Massachusetts, County of Middlesex

The above-name Shahid Sheikh personally appeared before me,
this 6 of March, 2024, and made oath that the above statement is true.

My commission expires April 5, 2030 (Notary Seal)



• If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.



RECEIVED

Handwritten text, possibly a signature or date, including the word "April" and "1871".

Small printed text or stamp at the bottom right corner.

BZA Application Form

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10.

- A)** A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

The mosque requires relief to practice its Dover Amendment-Protected religious use. Alterations and additions to the existing building are required to make the building accessible, and to allow for congregants to face both Mecca and the Imam during prayers. The current building has corners which prevent congregants from seeing the Imam while also facing East when praying. The third floor is needed for Arabic studies and overflow space for congregants during religious festivals. Minarets and a dome are also part of the religious purpose of the structure. The variances are required in order to alleviate these hardships.

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

The hardship relates to the narrowness of the lot and presence of a second structure and easement in favor of the neighboring property owner. The existing building is nonconforming currently and the lot is such that the religious purpose requires additional space which triggers variances for GFA and FAR while not allowing for the required amount of open space. This requires the alterations to be vertical and located where the Applicant is proposing them. This is an unusual religious use for this area which carries with it certain requirements. The layout of multiple buildings on the lot is also not typical.

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

- 1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The religious purpose requires the relief sought and, due to the area being a mix of industrial uses and large residential buildings which house a number of the mosque's congregants, as well as its proximity to the Red Line MBTA station at Alewife, will not be substantially detrimental to the neighborhood or the public good. This location allows congregants to walk or take public transit to the mosque, and the proposed building will not be out of scale in relation to the large surrounding structures. There is a need for an Islamic center in this part of Cambridge to serve its residents.

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

The religious use is allowed in this zoning district, however, the variances are required in order for the structure at this location to be used as a mosque. This proposal meets the goals of not creating more car trips due to its location which allows congregants to walk from nearby housing or take public transit to the mosque. There is a need for an Islamic center in this part of Cambridge to serve its residents, which fosters the purpose of freedom of religion. The current configuration of the property as two condominium units will be changed to not be a condominium and to be a mosque use, should the requested relief be approved. This application is for both condominium units at 378 Rindge Avenue.

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

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Al-Amin, Inc.
Location: 378-380 RINDGE AVE., Unit 1, Cambridge, MA
Phone: 617-625-7373

Present Use/Occupancy: Mosque (residential)
Zone: Residence C 1-A and MXR
Requested Use/Occupancy: Mosque

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		3,689	5,764	4,375	(max.)
<u>LOT AREA:</u>		3,500	3,500	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²		1.05	1.65	1.25	
<u>LOT AREA OF EACH DWELLING UNIT</u>		N/A	N/A	N/A	
<u>SIZE OF LOT:</u>	WIDTH	35	35	35	
	DEPTH	100	100	100	
<u>SETBACKS IN FEET:</u>	FRONT	6.5	6.5	10	
	REAR	44.9	44.9	17.35	
	LEFT SIDE	1.8	1.8	12.4	
	RIGHT SIDE	4.4	4.4	12.4	
<u>SIZE OF BUILDING:</u>	HEIGHT	24.7	35	45	
	WIDTH	51.75	51.75	N/A	
	LENGTH	28.67	28.67	N/A	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		2.88%	2.43%	15%	
<u>NO. OF DWELLING UNITS:</u>		0	0	N/A	
<u>NO. OF PARKING SPACES:</u>		1	1	N/A	
<u>NO. OF LOADING AREAS:</u>		0	0	N/A	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		12	12	7.8	

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.:

There is a concrete block building and easement located on the lot, with that other building comprising approximately 750 sf and being 11.67' tall.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

EXPANSION - THIRD FLOOR ADDITION

378 RINDGE AVE, CAMBRIDGE, MA 02140, USA.

RISE
ARCHITECTURE

PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

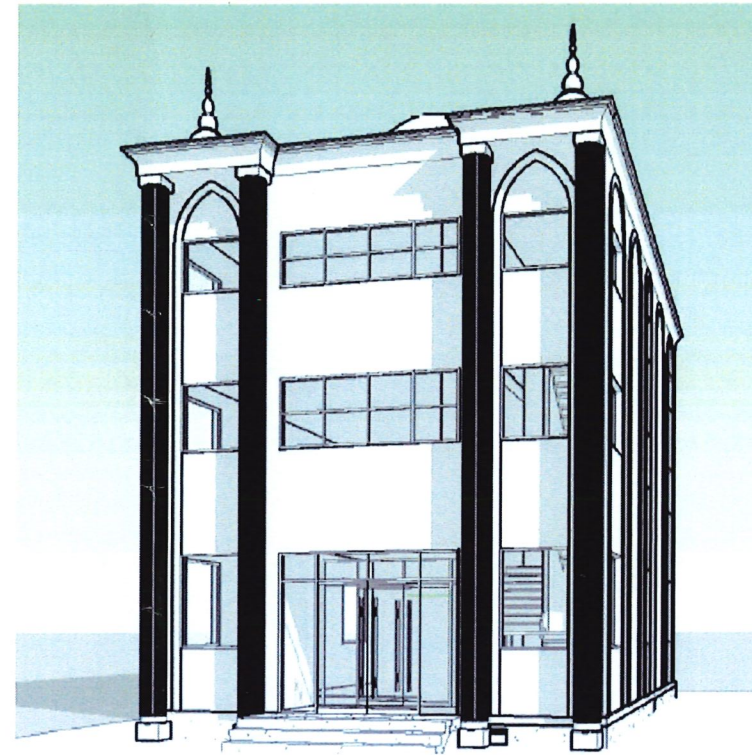
CLIENT
VIVEK

PROJECT TEAM
Designer: Nathalia Quirino 857 888-1216
Engineer: Nazieh R. Hammouri 857 312-9212

No.	Description	Date
00	Issue for Permit	-

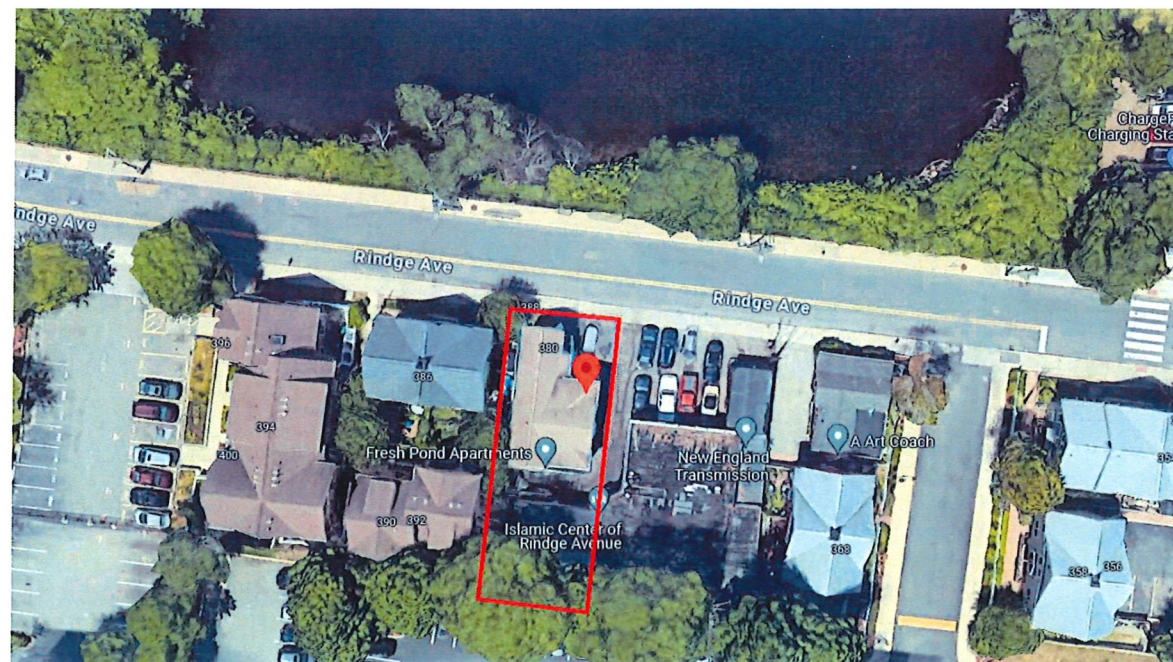


EXISTING FACADE



PROPOSED FACADE

AERIAL VIEW



GENERAL NOTES:

1. THE CONTRACTOR OR OWNER IS RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL PERMITS REQUIRED FOR THIS PROJECT.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE COMMONWEALTH OF CURRENT MASSACHUSETTS STATE BUILDING CODE (IBC 2015, 780 CMR 9TH EDITION) AND OTHER APPLICABLE CODES.
3. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR MEANS, METHODS, TECHNIQUES, SEQUENCING, SCHEDULING AND SAFETY FOR THIS PROJECT.
4. DIMENSIONS ARE NOT GUARANTEE, THE CONTRACTOR SHOULD VERIFY ALL DRAWING DIMENSIONS BEFORE PERFORM WORK.
5. THE CONTRACTOR SHALL WARRANTEE HIS WORK FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL COMPLETION.
6. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN DRAWINGS SPECIFICATIONS OR FIELD CONDITIONS TO THE DESIGN IMMEDIATELY.
7. CONCRETE AND REBAR STRENGTH SHALL HAVE MINIMUM OF 3,000 PSI AND 60,000 PSI RESPECTIVELY.
8. NEW WINDOW MUST HAS DOUBLE PANE AND U FACTOR = 0.27.

SCOPE OF WORK:

FIRST & SECOND FLOOR ADDITION.
NEW THIRD FLOOR.

DRAWING INFORMATION



May 21, 2024.
DATE OF ISSUE
Issued for permit.

DESCRIPTION
AS INDICATED. Nathalia Quirino
SCALE DRAWN BY
PROJECT # FILE NAME

Revisions

No.	Description	Date

DRAWING TITLE

COVER PAGE.

DRAWING NUMBER

C-100

No.	Description	Date
00	Issue for Permit	-

BZA APPLICATION FORM
DIMENSIONAL INFORMATION

APPLICANT: Al-Amin, Inc. PRESENT USE/OCCUPANCY: Assembly A-3 (Mosque)
LOCATION: 378 Rindge Avenue ZONE: C 1-A and RES.
PHONE: 617-901-0818 REQUESTED USE/OCCUPANCY: Assembly A-3 (Mosque)

	EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS ¹
TOTAL GROSS FLOOR AREA:	3,689	5,764	4,375 (max.)
LOT AREA:	3,500	3,500	5,000 (min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²	1.05	1.65	1.25 (max.)
LOT AREA FOR EACH DWELLING UNIT:	N/A	N/A	N/A (min.)
SIZE OF LOT:			
WIDTH	35'	35'	35' (min.)
DEPTH	100'	100'	100'
Setbacks in Feet:			
FRONT	6.5'	6.5'	10' (min.)
REAR	44.9'	44.9'	17.35' (min.)
LEFT SIDE	1.8'	1.8'	12.40' (min.)
RIGHT SIDE	4.4'	4.4'	12.40' (min.)
SIZE OF BLDG.:			
HEIGHT	24.7'	35'	45' (max.)
LENGTH	51.75'	51.75'	
WIDTH	28.67'	28.67'	
RATIO OF USABLE OPEN SPACE TO LOT AREA: ³	2.88%	2.43%	15% (min.)
NO. OF DWELLING UNITS:	0	0	N/A (max.)
NO. OF PARKING SPACES:	1	1	N/A (min./max.)
NO. OF LOADING AREAS:	0	0	N/A (min.)
DISTANCE TO NEAREST BLDG. ON SAME LOT:	12'	12'	7.8' (min.)

Describe where applicable, other occupancies on same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g.; wood frame, concrete, brick, steel, etc.

The existing structure is of wood frame construction. The proposed project consists of a third-floor addition on top of the existing building and a three-story addition at the northeast corner of the building. Currently, there is a concrete block building and easement located on the lot, with that other building comprising approximately 750 sf and being 11.67' tall.

- SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
- TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
- OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

(ATTACHMENT B - PAGE 4)

DRAWING INFORMATION



May 21, 2024.

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DESCRIPTION

AS INDICATED. Nathalia Quirino

SCALE DRAWN BY

PROJECT # FILE NAME

Revisions

No.	Description

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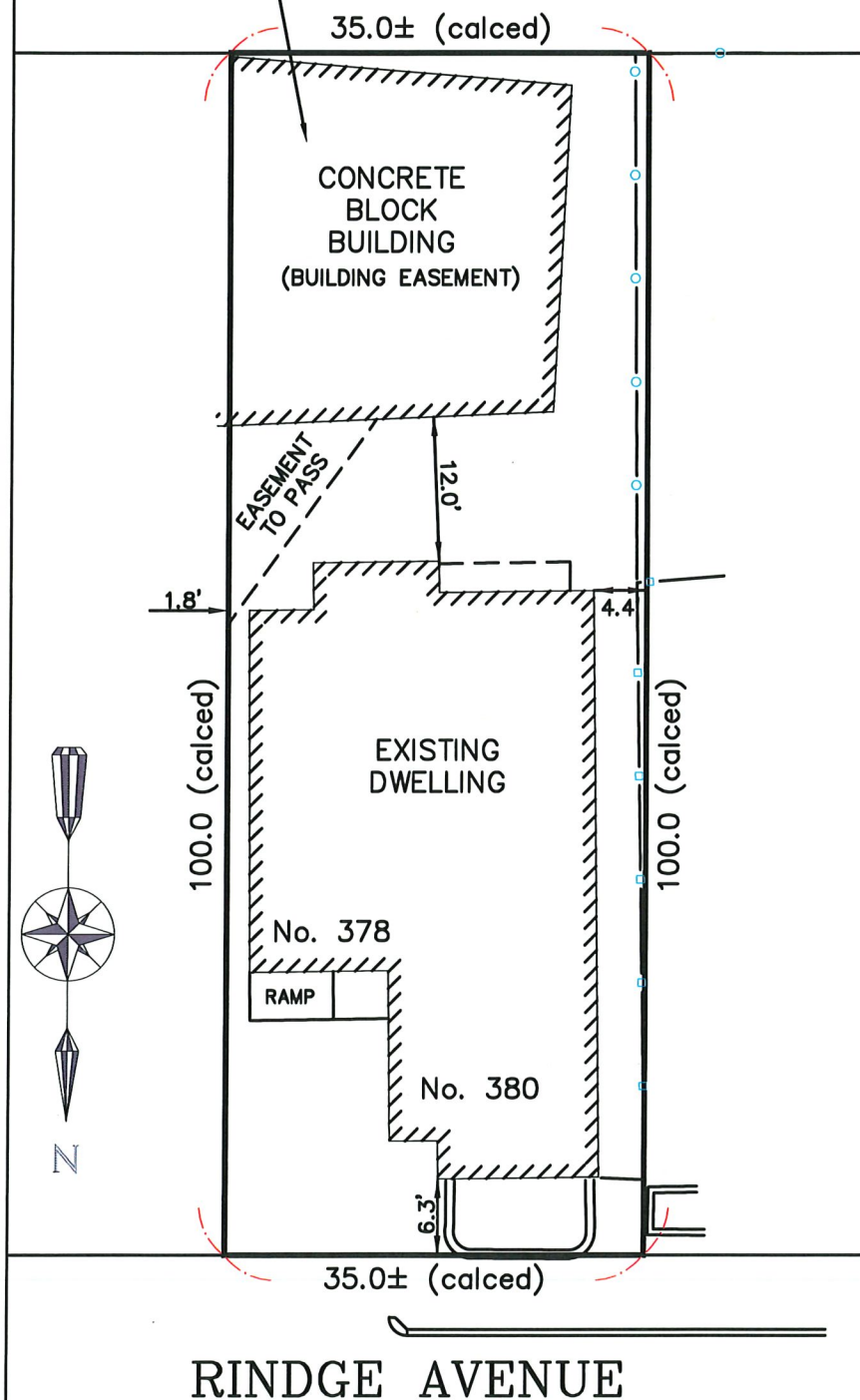
SITE USE PLAN

DRAWING NUMBER

A-100

LOT 7
AREA = 3,500 s.f.± (calced)
AREA = 3,342 s.f.± (record)

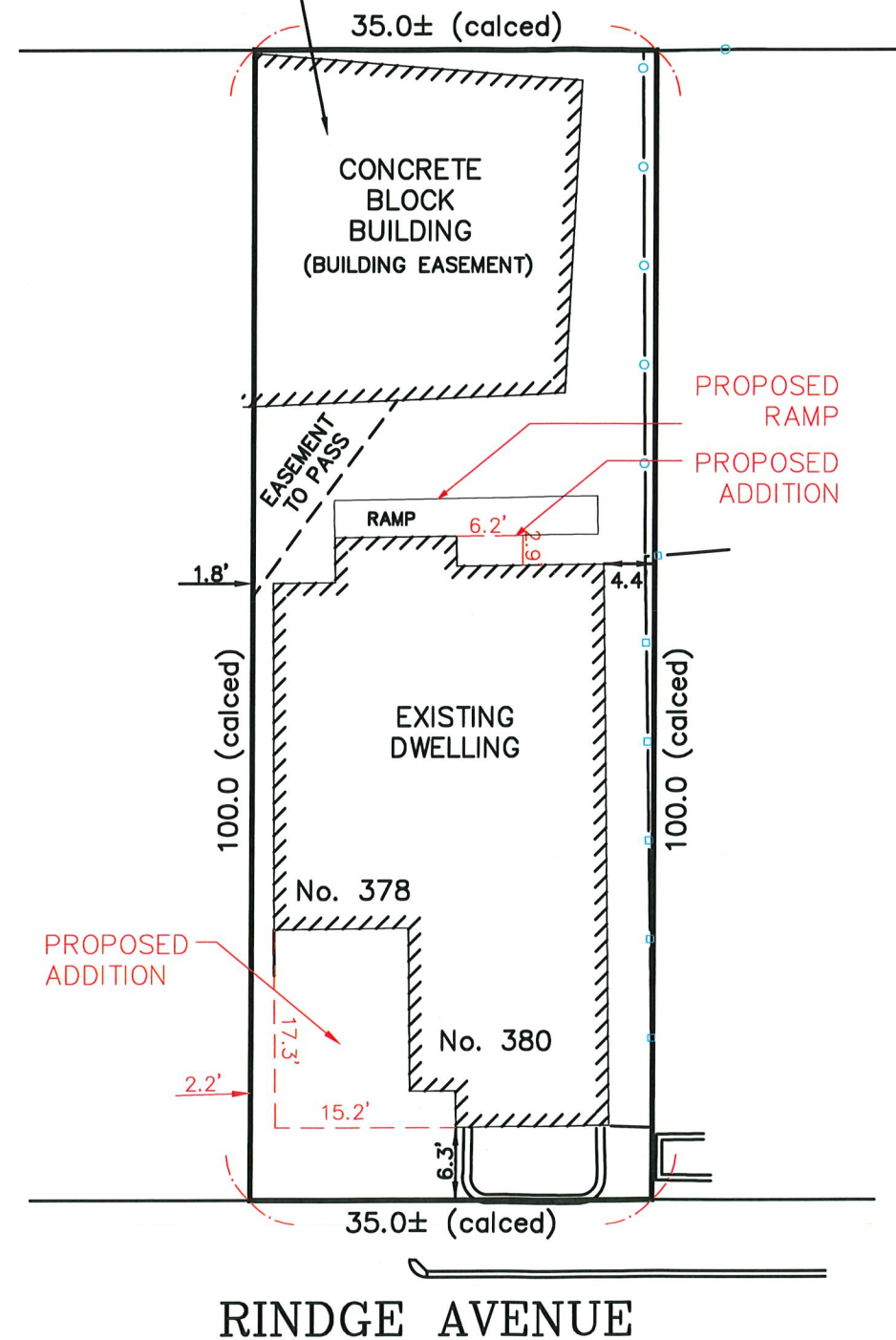
LOT 7
AREA = 3,500 s.f.± (calced)
AREA = 3,342 s.f.± (record)



RINDGE AVENUE

1 EXISTING PLOT PLAN

1/16" = 1'0"



RINDGE AVENUE

2 PROPOSED PLOT PLAN

1/16" = 1'0"

PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

CLIENT
VIVEK

PROJECT TEAM

Designer: Nathalia Quirino
857 888-1216
Engineer: Nazieh R. Hammouri
857 312-9212

No.	Description	Date
00	Issue for Permit	-

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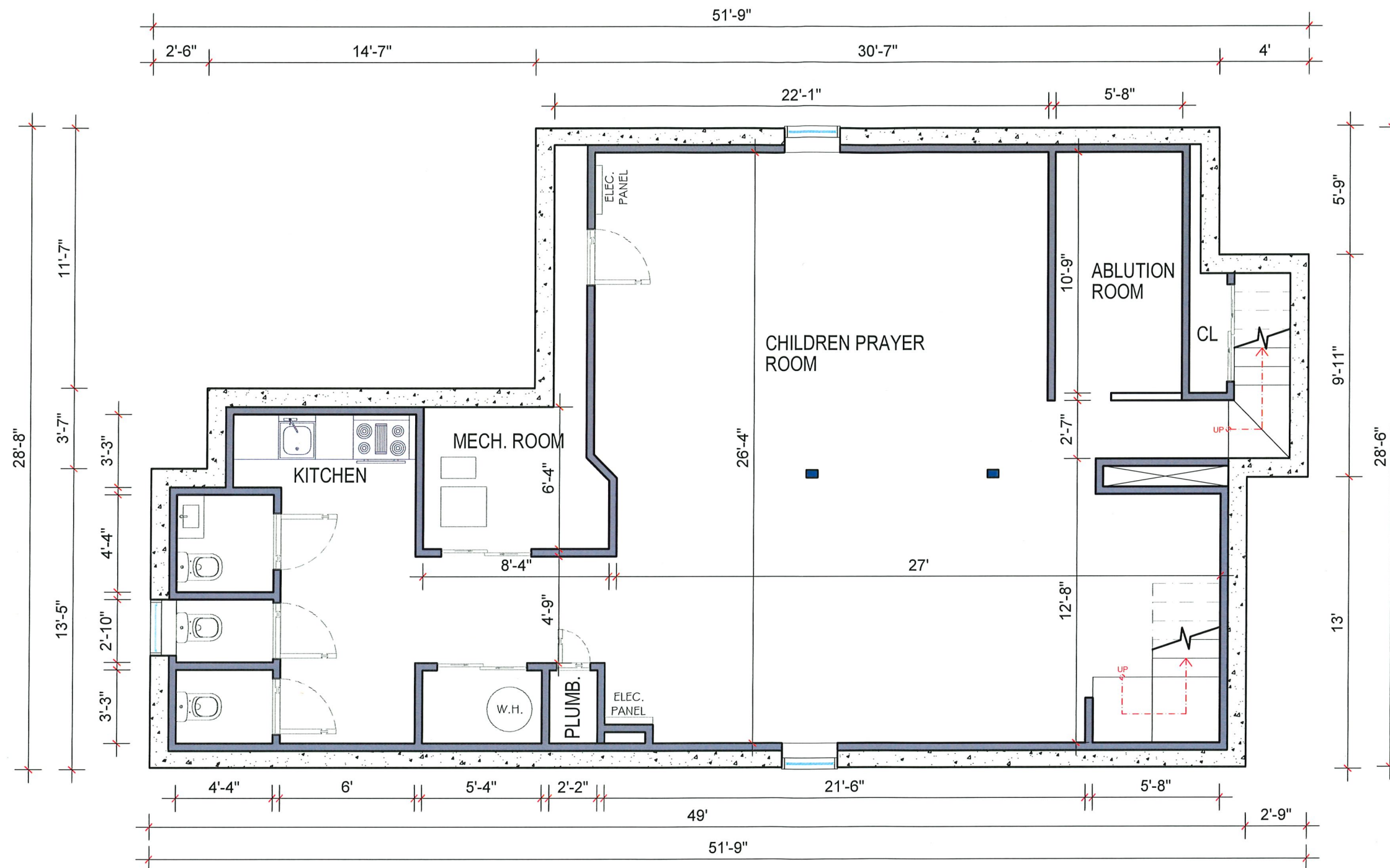
No.	Description

DRAWING TITLE

EXISTING FLOOR PLANS

DRAWING NUMBER

A-101



1 EXISTING BASEMENT FLOOR PLAN
3/16" = 1'0"

LEGEND

EXISTING WALL.

PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

CLIENT
VIVEK

PROJECT TEAM
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Engineer: Nazieh R. Hammouri 857 312-9212

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AS INDICATED. Nathalia Quirino

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PROJECT # FILE NAME

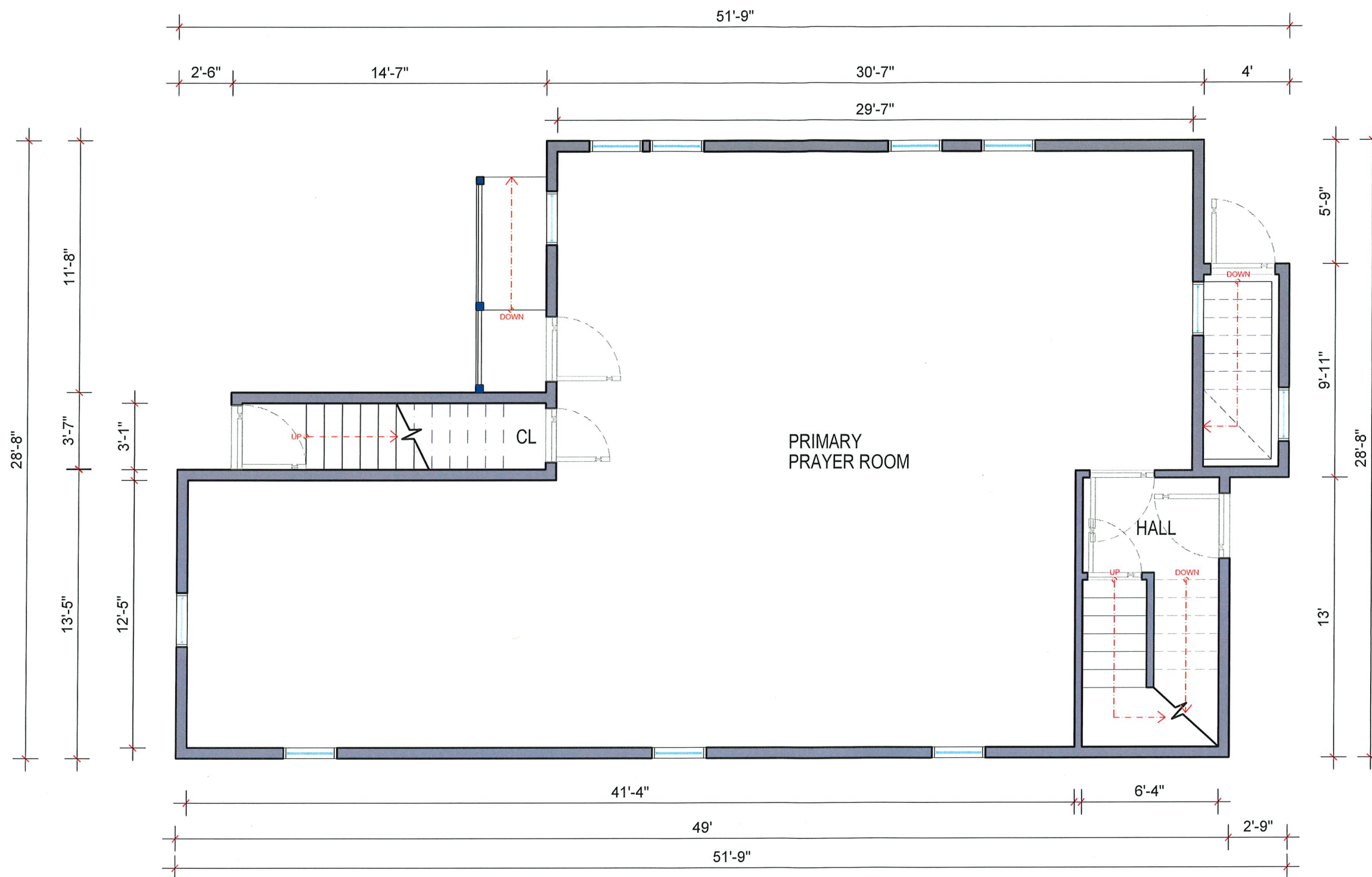
Revisions

No.	Description	Date

DRAWING TITLE
EXISTING FLOOR PLANS

DRAWING NUMBER

A-102



1 EXISTING FIRST FLOOR PLAN
3/16" = 1'0"

LEGEND

EXISTING WALL.

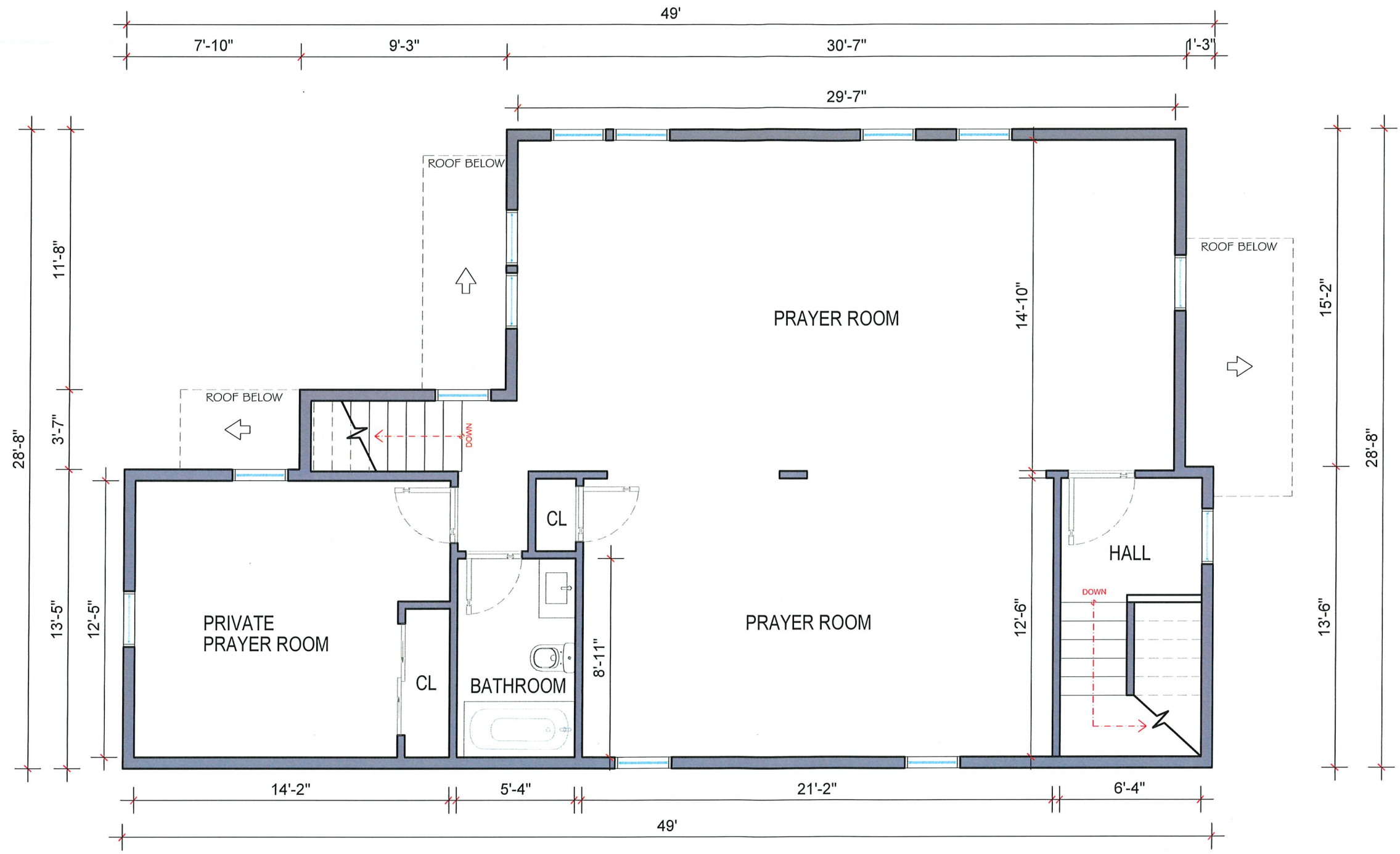


PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

CLIENT
VIVEK

PROJECT TEAM
Designer: Nathalia Quirino 857 888-1216
Engineer: Nazieh R. Hammouri 857 312-9212

No.	Description	Date
00	Issue for Permit	-



1 EXISTING SECOND FLOOR PLAN
3/16" = 1'0"

LEGEND

EXISTING WALL.

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No.	Description	Date

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EXISTING FLOOR PLANS

DRAWING NUMBER
A-103



PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

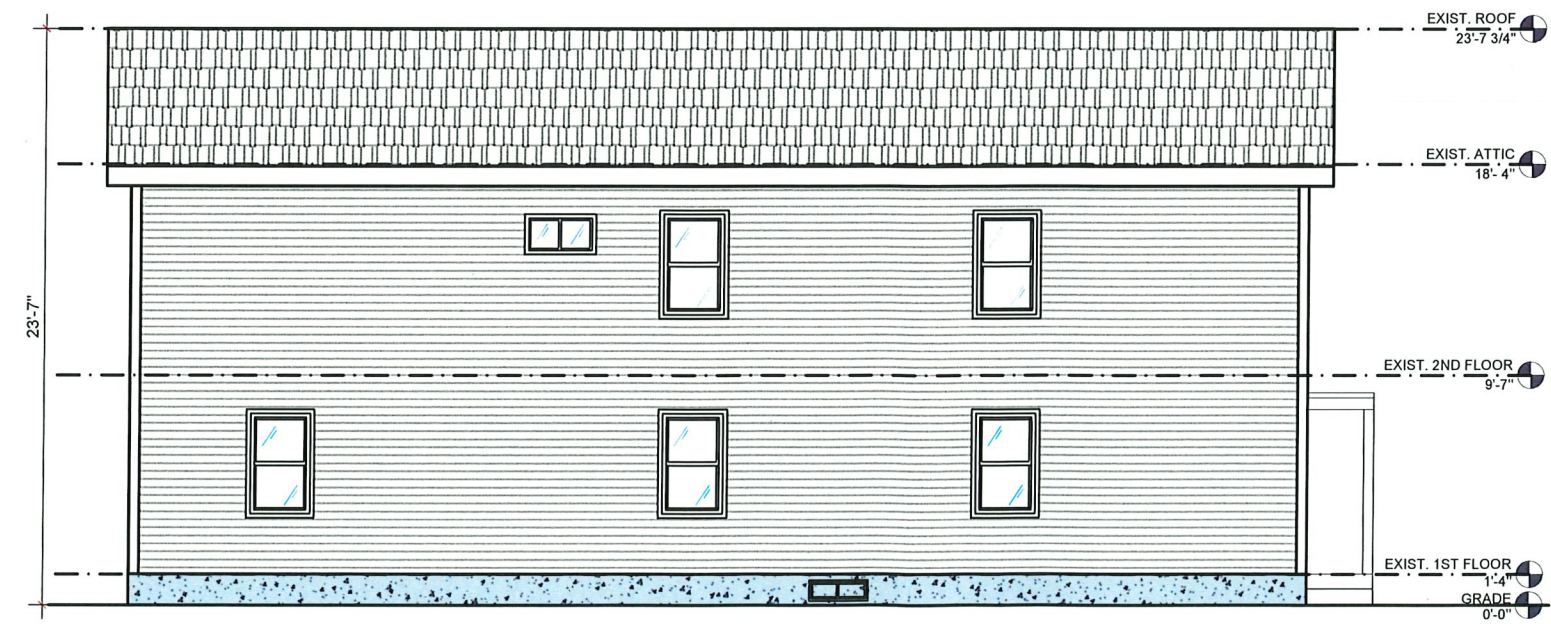
CLIENT
VIVEK

PROJECT TEAM
Designer: Nathalia Quirino (857 888-1216)
Engineer: Nazieh R. Hammouri (857 312-9212)

No.	Description	Date
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1 EXISTING FRONT ELEVATION
1/8" = 1'0"



2 EXISTING RIGHT SIDE ELEVATION
1/8" = 1'0"

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No.	Description	Date

DRAWING TITLE
EXISTING ELEVATIONS

DRAWING NUMBER

A-104

PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

CLIENT
VIVEK

PROJECT TEAM
Designer: Nathalia Quirino 857 888-1216
Engineer: Nazieh R. Hammouri 857 312-9212

No.	Description	Date
00	Issue for Permit	-



1 EXISTING REAR ELEVATION
1/8" = 1'0"



2 EXISTING LEFT SIDE ELEVATION
1/8" = 1'0"

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No.	Description	Date

DRAWING TITLE

EXISTING ELEVATIONS

DRAWING NUMBER

A-105

PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

CLIENT
VIVEK

PROJECT TEAM

Designer
Nathalia Quirino
857 888-1216

Engineer
Nazieh R. Hammouri.
857 312-9212

No.	Description	Date
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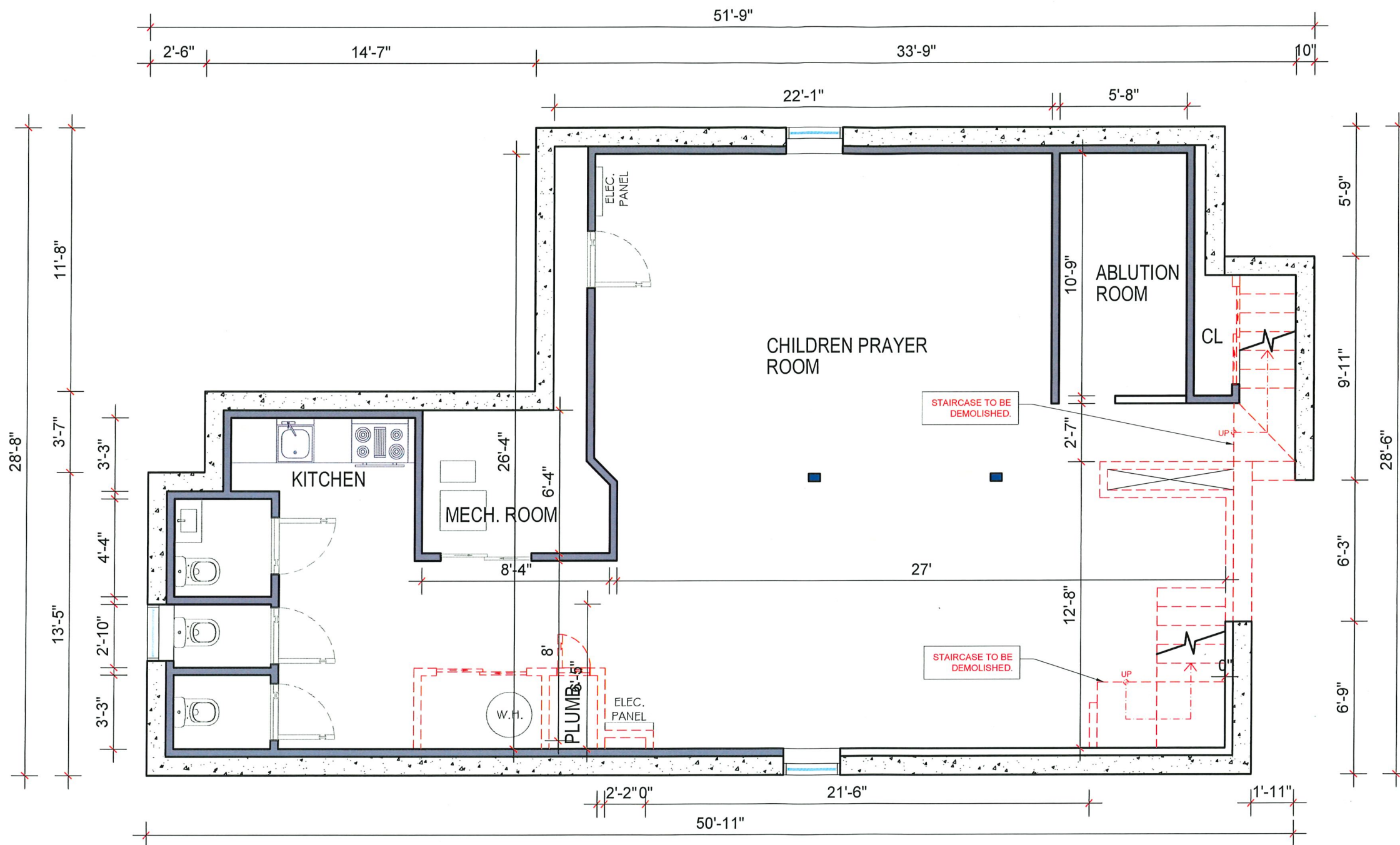
No.	Description

DRAWING TITLE

DEMOLITION FLOOR PLAN

DRAWING NUMBER

A-106



1 DEMOLITION BASEMENT FLOOR PLAN
3/16" = 1'0"

LEGEND

- EXISTING FOUNDATION WALL.
- EXISTING WALL.
- DEMOLITION.

PROJECT NAME
ISLAMIC CENTER
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CLIENT
VIVEK

PROJECT TEAM

Designer: Nathália Quirino
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Engineer: Nazieh R. Hammouri
857 312-9212

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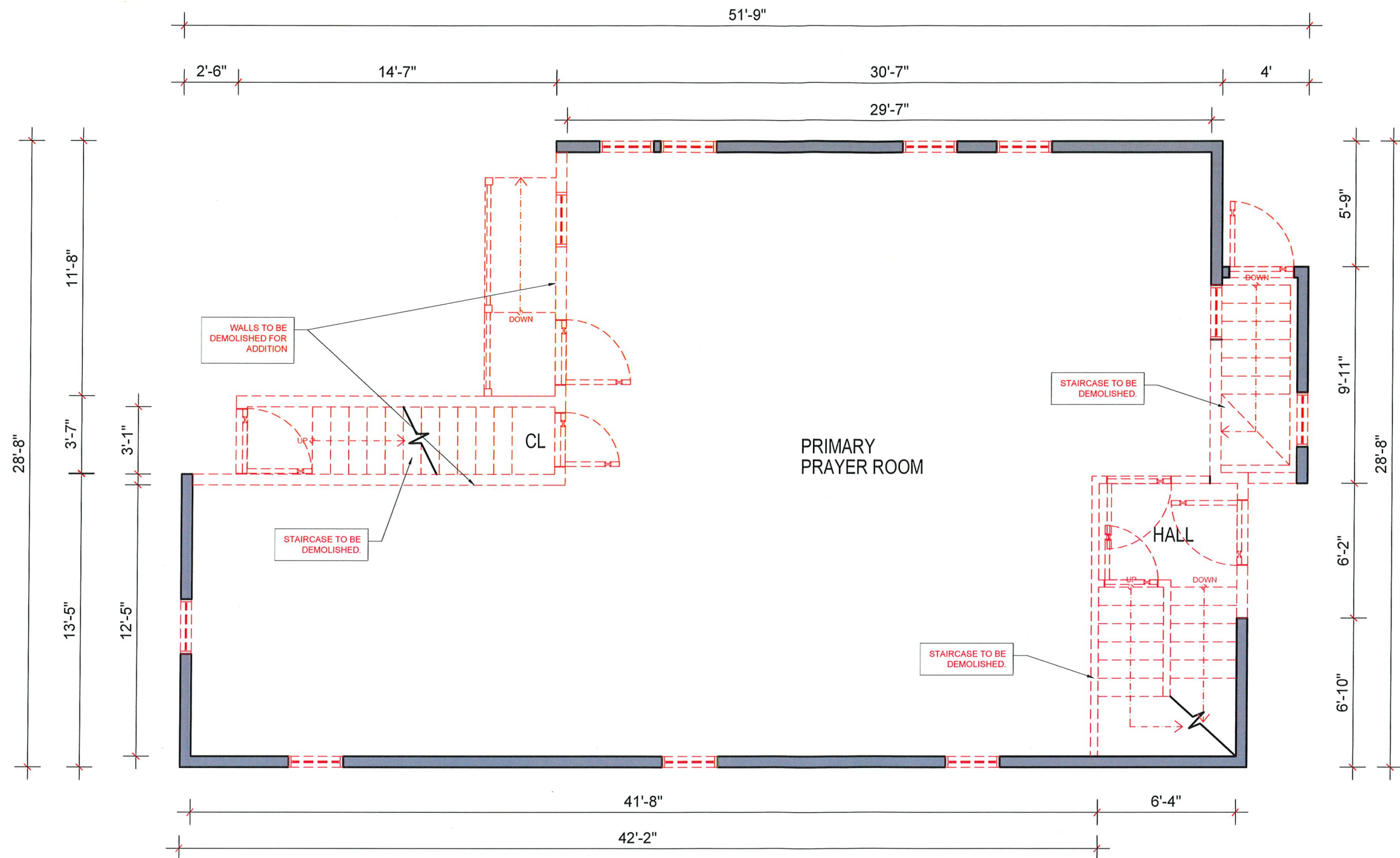
No.	Description

DRAWING TITLE

DEMOLITION FLOOR PLAN

DRAWING NUMBER

A-107



1 DEMOLITION FIRST FLOOR PLAN
3/16" = 1'0"

LEGEND

- EXISTING FOUNDATION WALL.
- EXISTING WALL.
- DEMOLITION.

PROJECT NAME
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VIVEK

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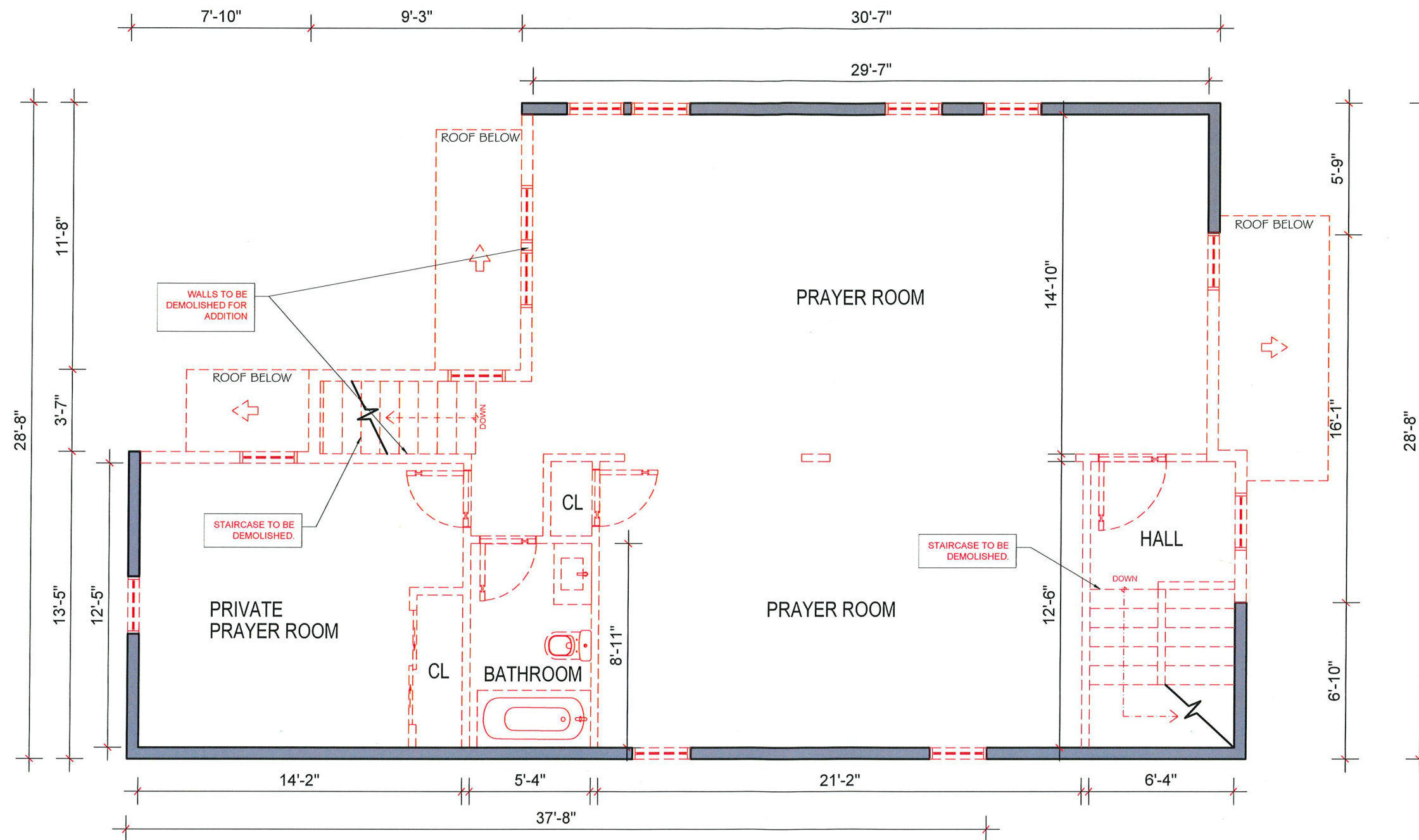
No.	Description

DRAWING TITLE

DEMOLITION FLOOR PLAN

DRAWING NUMBER

A-108



1 DEMOLITION SECOND FLOOR PLAN
3/16" = 1'0"

LEGEND

- EXISTING FOUNDATION WALL.
- EXISTING WALL.
- DEMOLITION.

PROJECT NAME
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VIVEK

PROJECT TEAM
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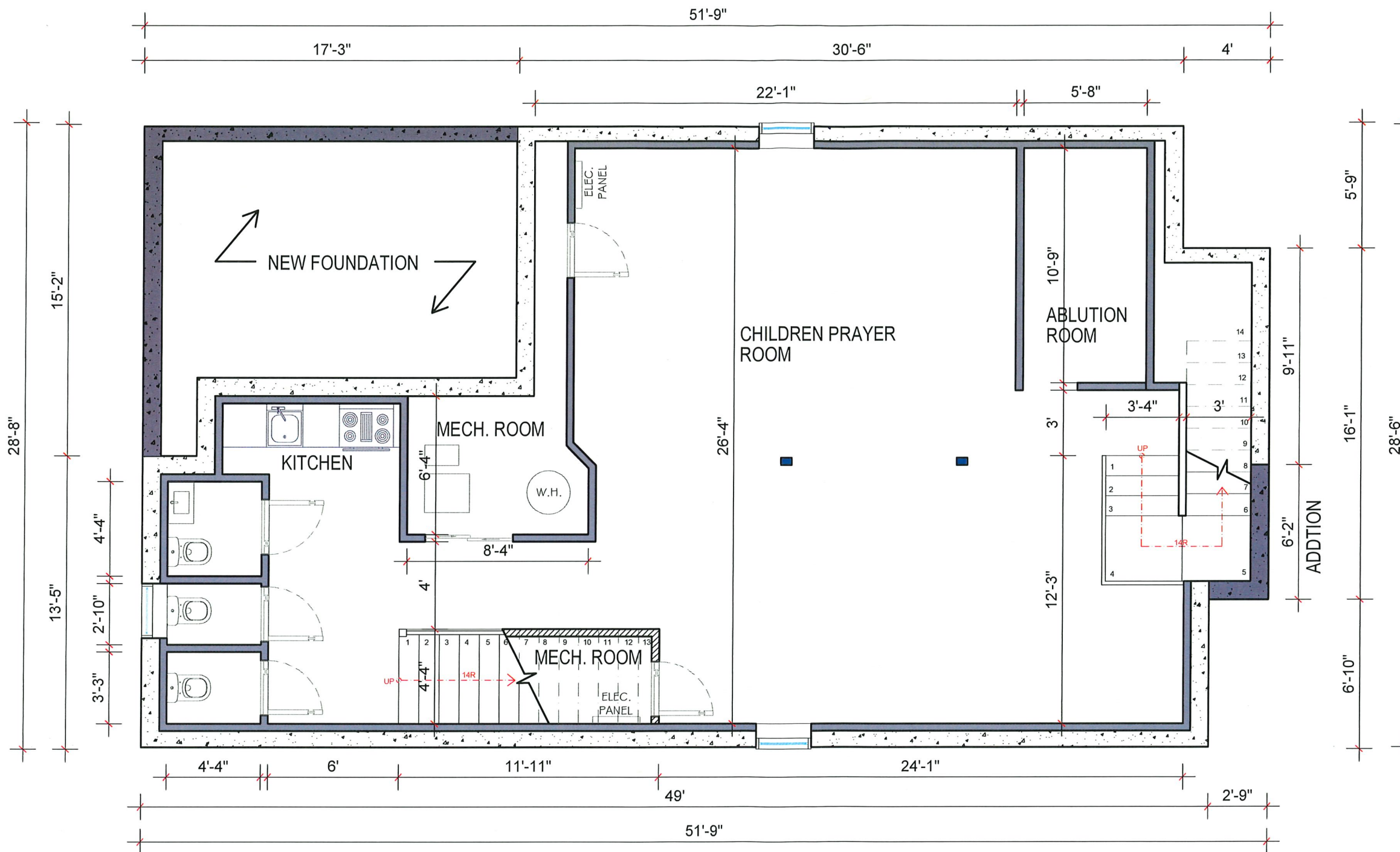
Revisions

No.	Description

DRAWING TITLE
PROPOSED FLOOR PLAN

DRAWING NUMBER

A-109



1 PROPOSED BASEMENT FLOOR PLAN
3/16" = 1'0"

LEGEND

- EXISTING FOUNDATION WALL.
- NEW FOUNDATION WALL.
- NEW 2X4 WALL CONSTRUCTION.
- NEW 2X6 WALL CONSTRUCTION.

PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

CLIENT
VIVEK

PROJECT TEAM

Designer: Nathália Quirino 857 888-1216
Engineer: Nazieh R. Hammouri 857 312-9212

No.	Description	Date
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May 21, 2024.

DATE OF ISSUE

Issued for permit.

DESCRIPTION

AS INDICATED. Nathalia Quirino

SCALE DRAWN BY

PROJECT # FILE NAME

Revisions

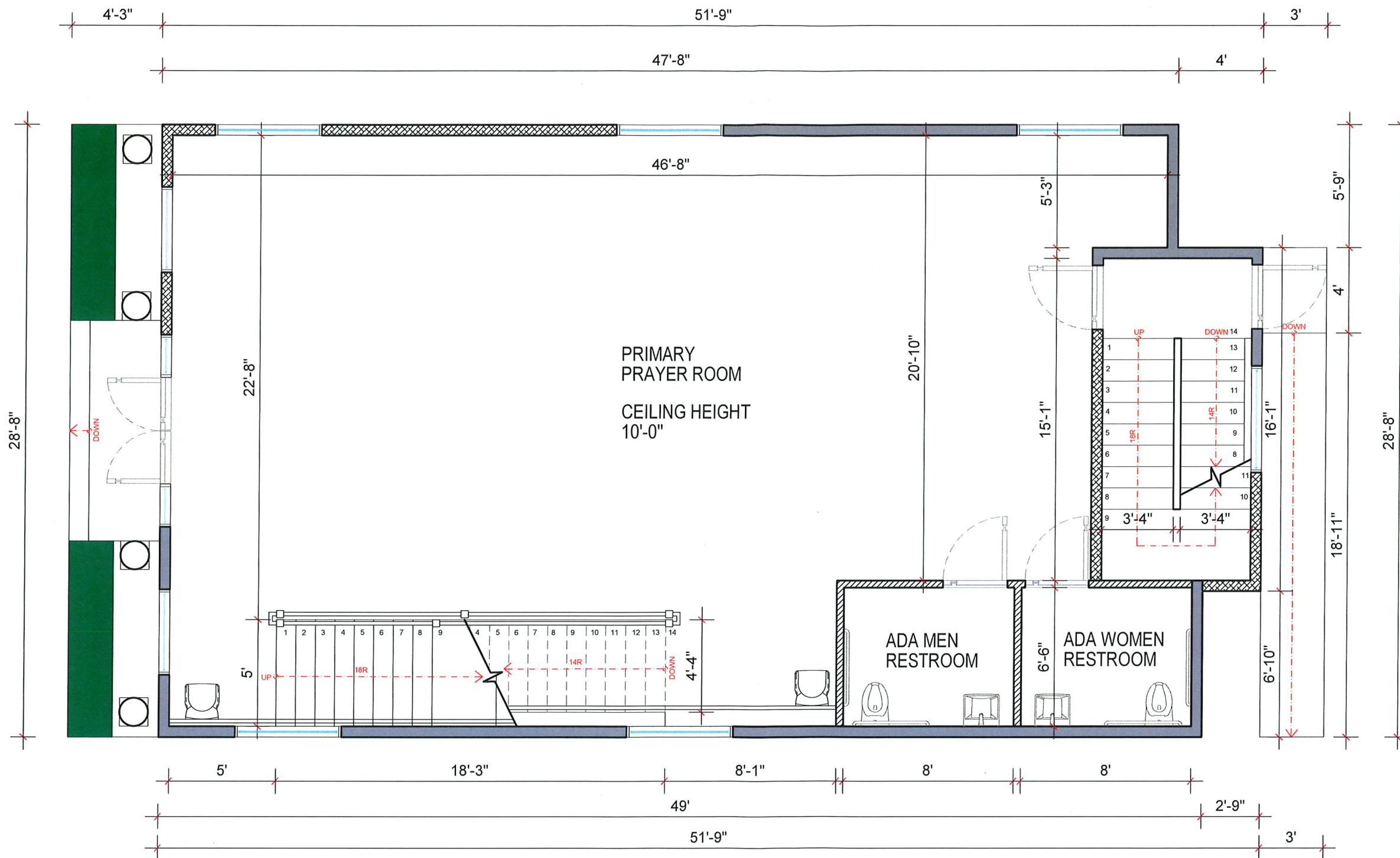
No.	Description

DRAWING TITLE

PROPOSED FLOOR PLAN

DRAWING NUMBER

A-110



1 PROPOSED FIRST FLOOR PLAN
3/16" = 1'0"

LEGEND

- NEW 2X4 WALL CONSTRUCTION.
- NEW 2X6 WALL CONSTRUCTION.



PROJECT NAME
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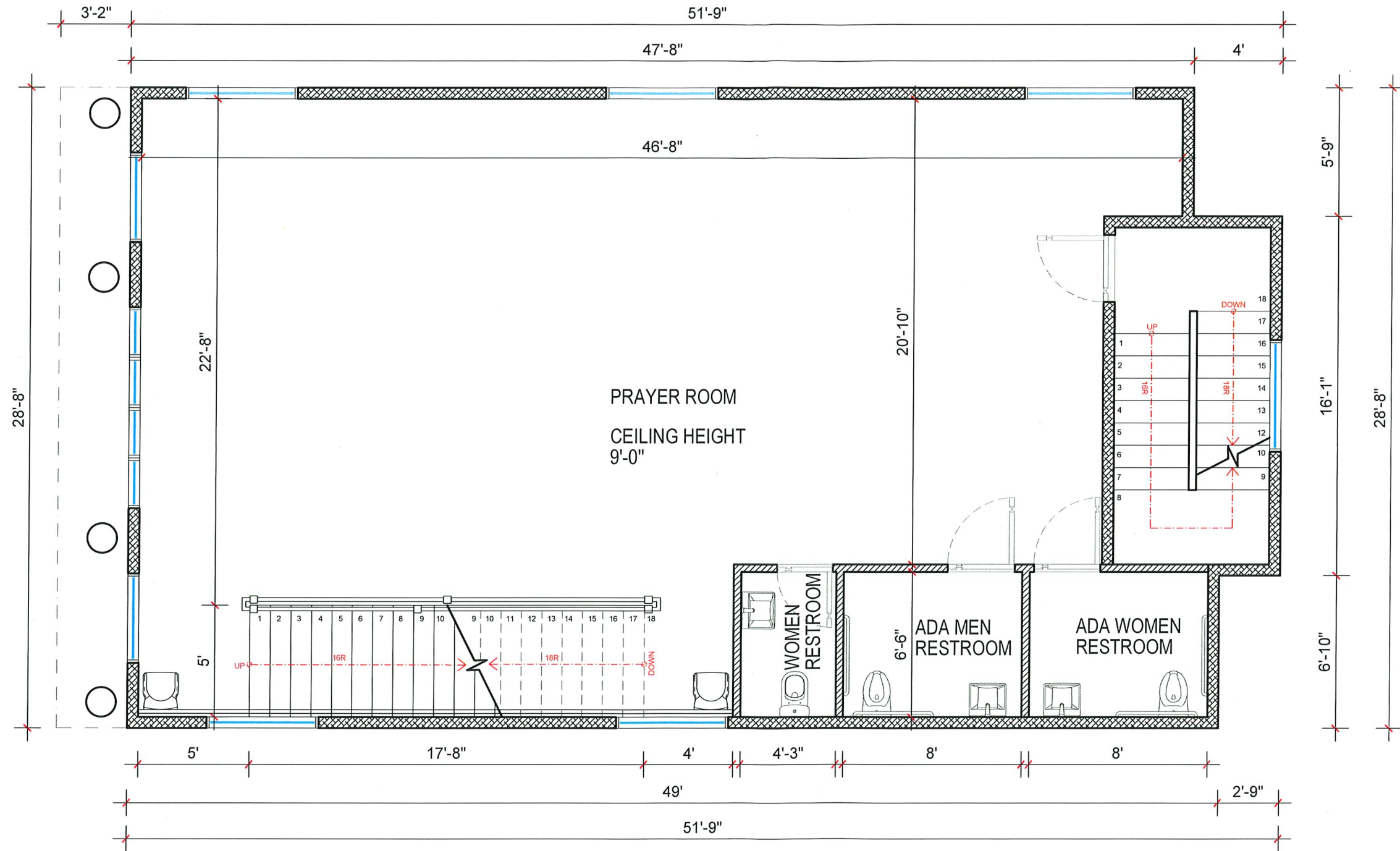
Revisions

No.	Description

DRAWING TITLE
PROPOSED FLOOR PLAN

DRAWING NUMBER

A-111



1 PROPOSED SECOND FLOOR PLAN
3/16" = 1'0"

LEGEND

- NEW 2X4 WALL CONSTRUCTION.
- NEW 2X6 WALL CONSTRUCTION.



PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

CLIENT
VIVEK

PROJECT TEAM
Designer: Nathalia Quirino
Engineer: Nazieh R. Hammouri

No.	Description	Date
00	Issue for Permit	-

DRAWING INFORMATION



May 21, 2024.
DATE OF ISSUE
Issued for permit.

DESCRIPTION
AS INDICATED. Nathalia Quirino
SCALE
DRAWN BY
PROJECT # FILE NAME

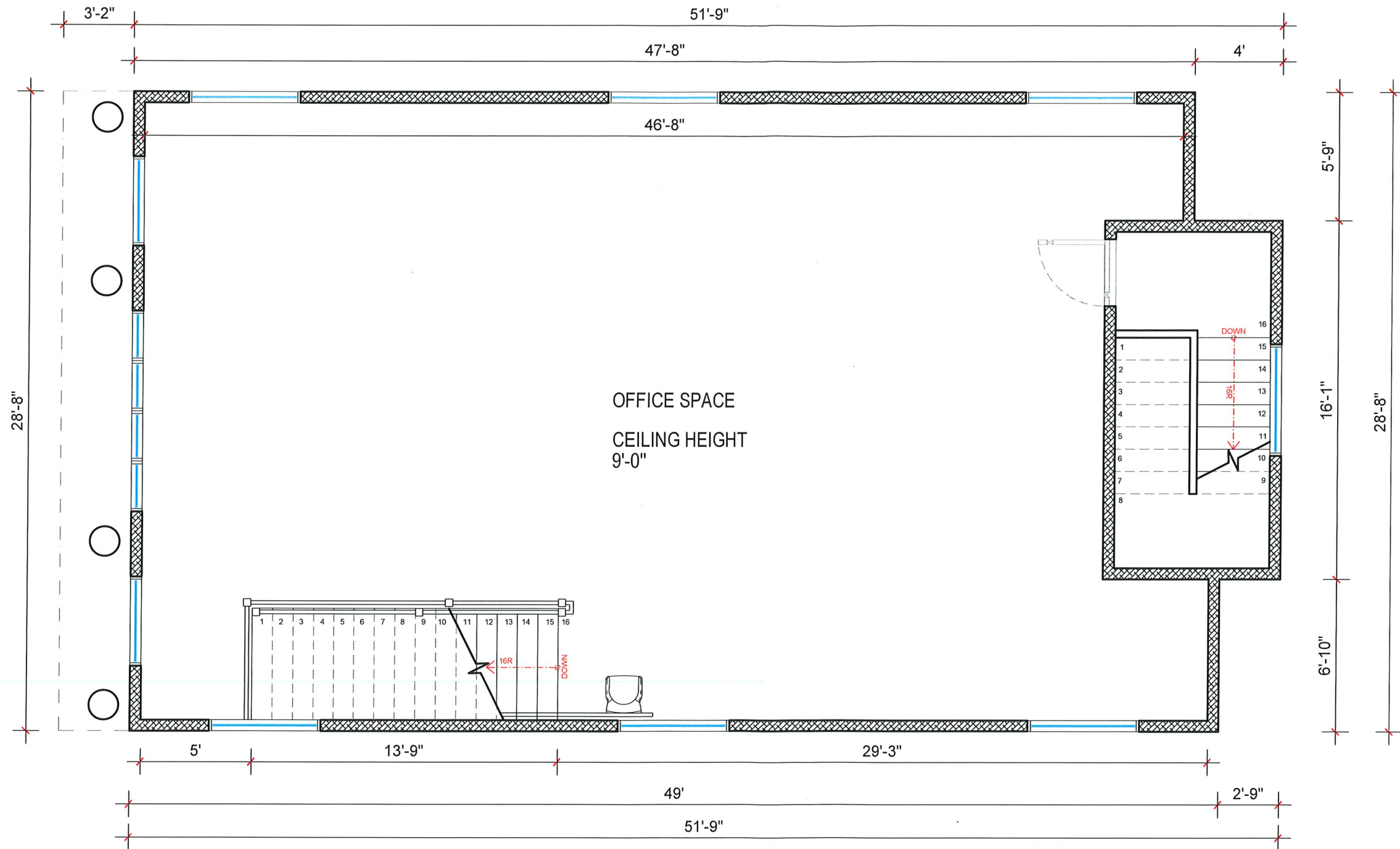
Revisions

No.	Description

DRAWING TITLE
PROPOSED FLOOR PLAN

DRAWING NUMBER

A-112



1 PROPOSED THIRD FLOOR PLAN
3/16" = 1'0"

LEGEND

- NEW 2X4 WALL CONSTRUCTION.
- NEW 2X6 WALL CONSTRUCTION.

PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

CLIENT
VIVEK

PROJECT TEAM

Designer
Nathalia Quirino
857 888-1216

Engineer
Nazieh R. Hammouri.
857 312-9212

No.	Description	Date
00	Issue for Permit	-

DRAWING INFORMATION



May 21, 2024.

DATE OF ISSUE

Issued for permit.

DESCRIPTION

AS INDICATED. Nathalia Quirino

SCALE DRAWN BY

PROJECT # FILE NAME

Revisions

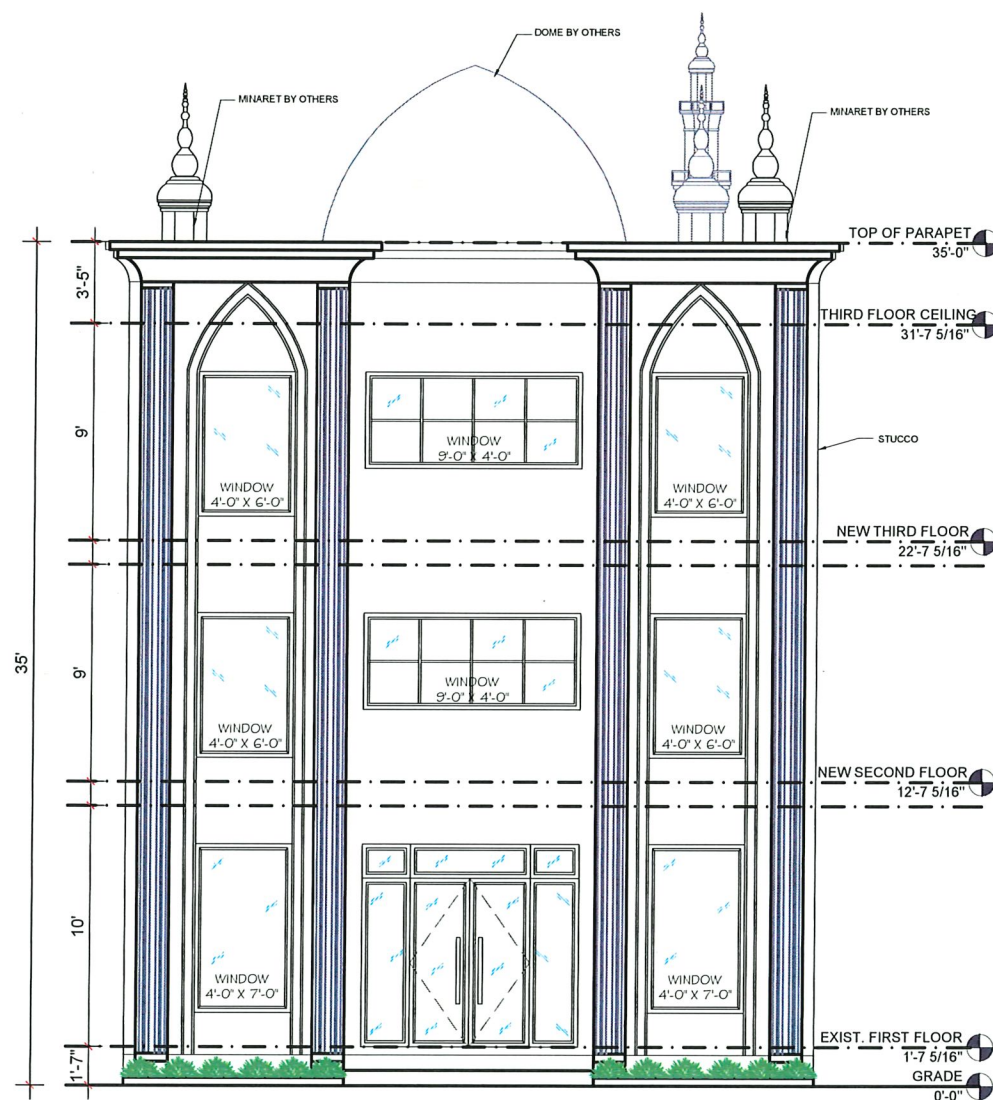
No.	Description

DRAWING TITLE

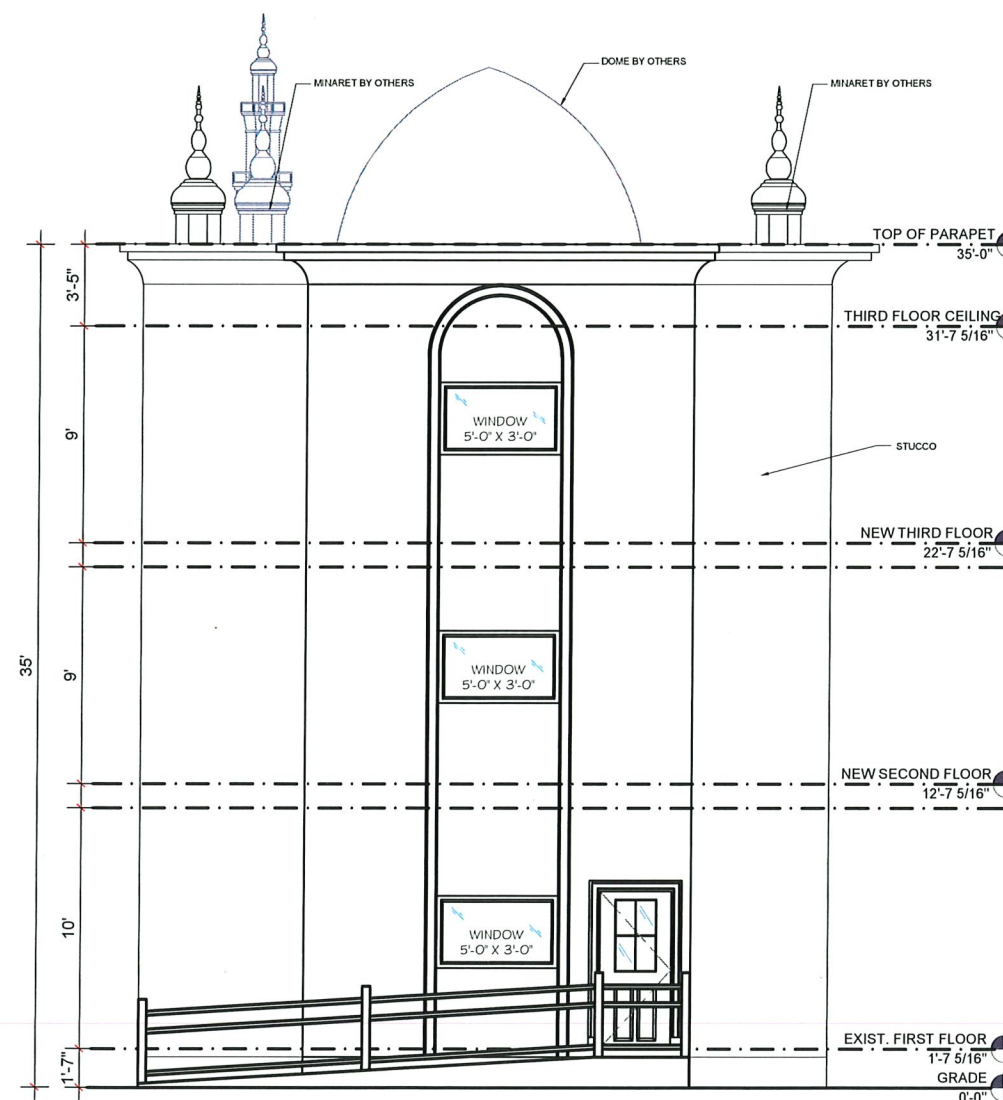
PROPOSED ELEVATIONS

DRAWING NUMBER

A-113



1 PROPOSED FRONT ELEVATION
1/8" = 1'0"



2 PROPOSED REAR ELEVATION
1/8" = 1'0"

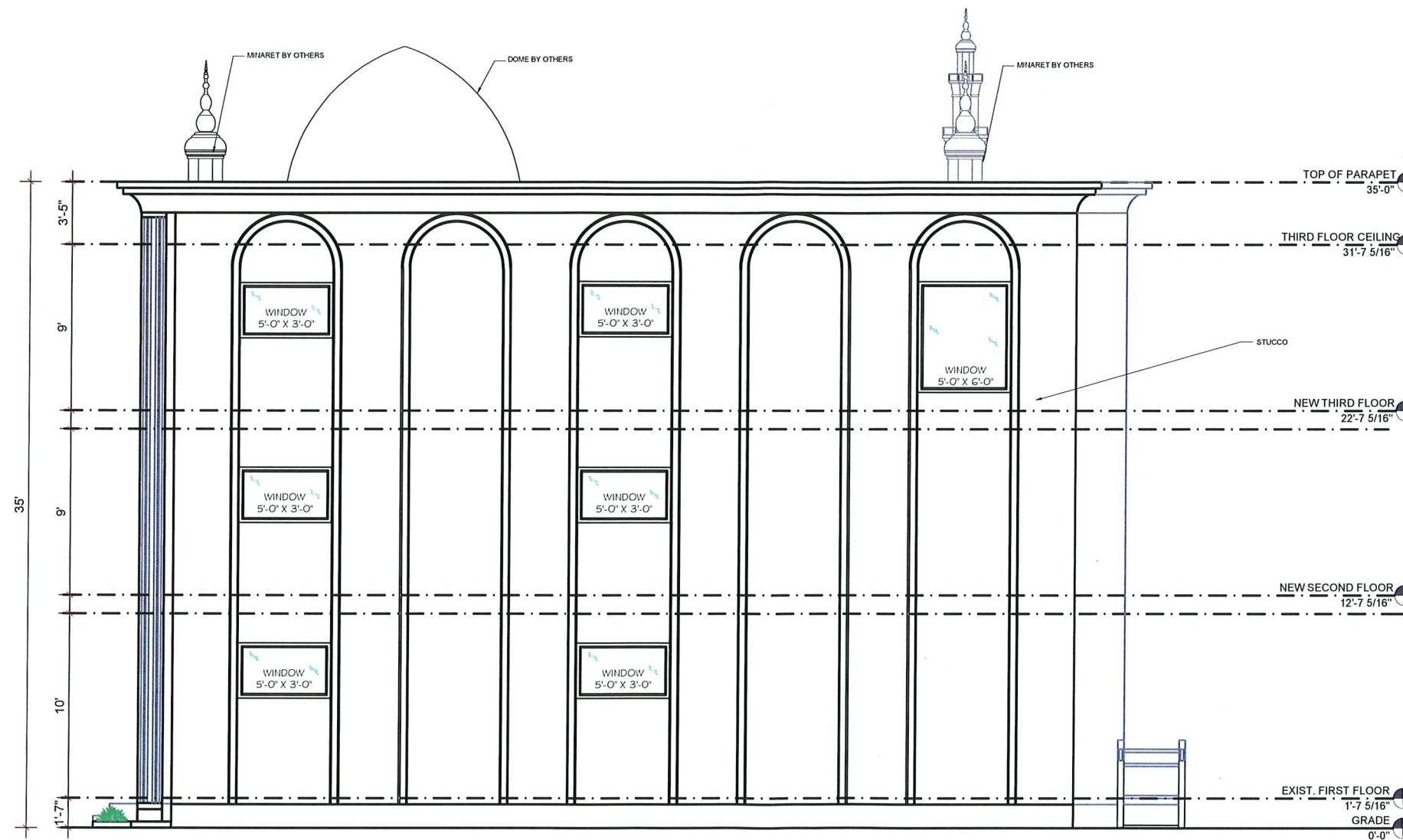
PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

CLIENT
VIVEK

PROJECT TEAM

Designer: Nathalia Quirino 857 888-1216
Engineer: Nazieh R. Hammouri 857 312-9212

No.	Description	Date
00	Issue for Permit	-



1 PROPOSED RIGHT SIDE ELEVATION
1/8" = 1'0"

DRAWING INFORMATION



May 21, 2024.

DATE OF ISSUE

Issued for permit.

DESCRIPTION

AS INDICATED. Nathalia Quirino

SCALE DRAWN BY

PROJECT # FILE NAME

Revisions

No.	Description	Date

DRAWING TITLE

PROPOSED ELEVATIONS

DRAWING NUMBER

A-114

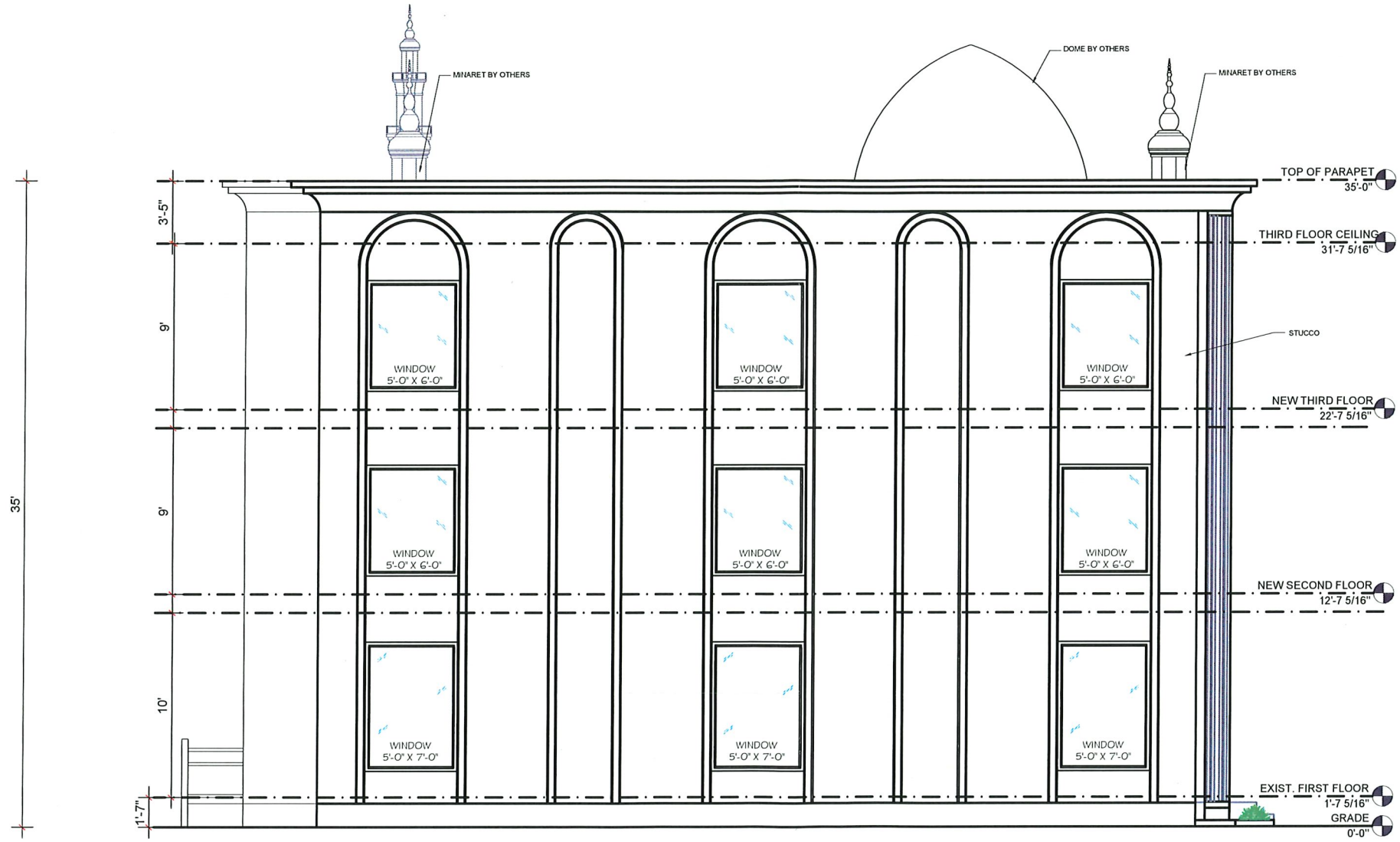


PROJECT NAME
ISLAMIC CENTER
378 RINDGE AVE, CAMBRIDGE, MA 02140.

CLIENT
VIVEK

PROJECT TEAM
Designer Nathalia Quirino 857 888-1216
Engineer Nazieh R. Hammouri 857 312-9212

No.	Description	Date
00	Issue for Permit	-



1 PROPOSED LEFT SIDE ELEVATION
1/8" = 1'0"

DRAWING INFORMATION



May 21, 2024.
DATE OF ISSUE
Issued for permit.
DESCRIPTION AS INDICATED. Nathalia Quirino
SCALE DRAWN BY
PROJECT # FILE NAME

Revisions

No.	Description	Date

DRAWING TITLE
PROPOSED ELEVATIONS

DRAWING NUMBER
A-115





















ISLAMIC CENTER OF RINDGE AVENUE

Redevelopment

Dear _____,

Date March 8, 2024

I trust this letter finds you in good health and high spirits. We are embarking on a project to enhance our facilities to better serve the needs of our members, and we believe your support is crucial to the success of our endeavor.

Our plan includes expanding the front corner of our building that currently cuts inward, providing additional space for prayer and educational purposes. We also aim to convert the attic into a functional floor, allowing us to accommodate more members and offer a more conducive environment for the educational activities.

Understanding the importance of community cohesion, we want to ensure that our neighbors are aware of our plans and, if possible, express their support for our initiatives. We have chosen this approach to foster open communication and maintain harmonious relationships within our neighborhood.

Our organization is committed to being exceptionally mindful of any inconvenience that may arise during the construction process. We are taking every precaution to minimize disruptions and are open to coordinating with you to address any concerns or specific needs you may have during this period.

In light of the above, we kindly request your support for our expansion project. Your signed letter of support would greatly contribute to the success of our efforts and help us create a more inclusive and accommodating space for our community.

If you have any questions or concerns, we would be more than happy to meet with you at your convenience to discuss the details of our plans and address any issues you may have. Your input is highly valued, and we are dedicated to ensuring that our project benefits the entire community.

If you are amenable to endorsing our project, kindly sign and return it at your earliest convenience. Your support means a great deal to us, and we look forward to continuing to be good neighbors within our community.

Thank you very much for your time and consideration.

Warm regards,

In Support

Trustee
Islamic Center of Rindge Avenue

Shahid Sheikh

Name: Vincento Cisamissoy Jr
Email: NORANS372@icraa.com
Address: 372 Rindge Ave
Camburidge, Mass 02140

**ADAM DASH & ASSOCIATES
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WWW.ADAMDASHLAW.COM**

**ADAM DASH
PAUL METSCHER
MARK SHEEHAN**

May 21, 2024

Board of Zoning Appeals
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

RE: 378 Rindge Avenue
Application for Variances for Dover Amendment Use
Applicant and Owner: Al-Amin, Inc.

Dear Cambridge Board of Zoning Appeals:

I represent Al-Amin, Inc., which is the Applicant and Owner of the property known as 378 Rindge Avenue (the "Property"). The Property is currently a two-unit condominium which Applicant intends to change from being a condominium into being a non-condominium building with a mosque use, should the requested relief be granted.

The Property is located in the Residence C-1A and MXR zoning districts.

Applicant seeks to construct additions, being a third floor addition, front northeast corner addition and rear addition. Such alterations of this pre-existing, nonconforming structure create the need for variances for Gross Floor Area, Floor to Area Ratio, Open Space and Alteration of a Nonconforming Structure.

The mosque requires relief to practice its Dover Amendment-Protected religious use. Alterations and additions to the existing building are required to make the building accessible, and to allow for congregants to face both Mecca and the Imam during prayers. The current building has corners which prevent congregants from seeing the Imam while also facing East when praying. The third floor is needed for Arabic studies and overflow space for congregants during religious festivals. Minarets and a dome are also part of the religious purpose of the structure. The variances are required in order to alleviate these hardships and to allow for the religious use.

ANALYSIS

The Proposed Use Is Protected by the Dover Amendment.

Massachusetts General Laws Chapter 40A, Section 3 is known as the “Dover Amendment”, which bars the adoption of a zoning ordinance or by-law that seeks to prohibit or restrict the use of land for educational or religious purposes. See Trustees of Tufts College v. City of Medford, 415 Mass. 753, 616 N.E.2d 433 (1993).

The Dover Amendment may permit dimensional nonconformity of the Premises under certain circumstances. While the Dover Amendment provides that “...land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot areas, setbacks, open space, parking and building coverage requirements...”, courts have concluded that dimensional zoning regulations may not be applied in such a way as to prevent a protected Dover Amendment use. Dimensional zoning regulations will apply to protected Dover Amendment uses only to the extent that they are reasonable under the circumstances. A determination of the reasonableness of any given zoning restriction requires an analysis of whether the restriction would “unreasonably impede the protected use without appreciably advancing critical municipal goals”. See Martin v. Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, 434 Mass. 141, 747 N.E.2d 131 (2001), citing Trustees of Tufts College. In considering the reasonableness of a restriction in the context of a Dover Amendment use, courts will consider the “special characteristics of the [exempt] use.” Ibid.

As such, a municipality may not, through the guise of regulating bulk and dimensional requirements, proceed to nullify the use exemption permitted to a protected institution. See The Bible Speaks v. Board of Appeals of Lenox, 8 Mass. App. Ct. 19, 391 N.E.2d 279 (1979). The protected institution may show unreasonableness of a restriction by demonstrating that compliance would substantially diminish or detract from the usefulness of the proposed structure, or impair the character of the institution’s campus, without appreciably advancing the municipality’s legitimate concerns, or by establishing excessive cost of compliance with the requirement, without significant gain in terms of municipal concerns. See Trustees of Tufts College.

In an analogous case, the rigid application of a zoning bylaw’s height restrictions to a church’s steeple was found to impair the character of the church without advancing any municipal concern. See Martin. “The Dover Amendment directs the inquiry to the use of “land” or a “structure,” not the use of an element or part of a structure...The focus must be placed on the use of the structure...To view each element, each section of a “structure,” as requiring an independent “religious” use leads to impossible results: Is a church kitchen or a church parking lot a “religious” use? We have not formulated the test so narrowly. While the judge's inquiry may have focused on the steeple because the temple complied in all other respects with Belmont's zoning bylaws, the question under the statute is whether the structure as a whole is to be used for religious purposes. It clearly is, and just as clearly the Dover Amendment applies. It is not for judges to determine whether the inclusion of a particular architectural feature is “necessary” for a particular religion. A rose window at Notre Dame Cathedral, a balcony at St. Peters Basilica--are judges to decide whether these architectural elements are “necessary” to the faith served by those buildings? The judge found, as she was compelled to do in the face of overwhelming and uncontradicted testimony, that temples “are the places where Mormons conduct their sacred ceremonies.” No further inquiry as to the applicability of the Dover Amendment was warranted.” See Martin.

While the reasonableness of a local zoning requirement will depend on the particular facts of each case, a judge should consider whether the requirement sought to be applied takes into account “the special characteristics of [the exempt] use,” adding that a zoning requirement that results “in something less than nullification of a proposed [exempt] use may be unreasonable within the meaning of the Dover Amendment.” See Martin; see also Trustees of Tufts College.

In this Application, the mosque use requires the additions to the existing structure in order to fulfill its religious purpose by allowing congregants to gather and pray while facing East and seeing the Imam who is leading the prayers. The additions also allow for accessibility to the mosque, for overflow congregant space at festivals, for Arabic study space and for there to be minarets and a dome. The mosque’s location near public transit and housing where a number of the congregants live is important, as well, such that the Applicant can build the proposed additions and alterations at this location in furtherance of its protected religious purpose. There is no compelling municipal interest in denying the relief being sought when weighed against its negative impact on the protected religious practice.

As such, the religious use of the Property as a mosque is a Dover Amendment protected use, and the relief being sought should be granted.

The Proposed Use Is Protected by the RLUIPA.

The federal Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. §§2000cc-2000cc-5 (2006), bars governments from imposing a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly or institution (1) is in furtherance of a compelling governmental interest, and (2) is the least restrictive means of furthering that compelling governmental interest. See Mintz v. Roman Catholic Bishop of Springfield, 424 F.Supp.2d 309 (2006), stating that the application of a zoning bylaw’s density, setback and parking restrictions imposed a “substantial burden” on “religious exercise” in the case of an application for a permit to construct a parish center. Zoning bylaw restrictions were not the least restrictive means of furthering compelling government interest and thus did not survive preemption under RLUIPA. See Mintz.

Again, the religious use of the Property as a mosque is protected, and the relief being sought should be granted

Conclusion.

Therefore, as strict compliance with the terms of the Cambridge Zoning Ordinance will substantially burden, diminish and detract from the protected religious purpose of the Applicant and its use of the Property, the variances sought must be granted under the Dover Amendment and the RLUIPA.

Applicant also notes that it meets the requirements for the relief sought under the Cambridge Zoning Ordinance even without the protection of the Dover Amendment and the RLUIPA, as described in the application for relief filed herewith.

Very truly yours,

A handwritten signature in black ink, consisting of a single, fluid, sweeping line that starts with a small loop on the left and ends with a horizontal tail on the right.

Adam Dash

378-380 Rindge Ave

Retained
ADAM DASH & ASSOCIATES
C/O ADAM DASH, ESQ.
48 GROVE STREET - SUITE 304
SOMERVILLE, MA 02144

268B-41
KEBEDE, ROMAN & TSEGAYE WOLDU
366 RINDGE AVE
CAMBRIDGE, MA 02138

268B-41
NAPOLI, MECKY & FATMA JIDDAWI
368 RINDGE AVE
CAMBRIDGE, MA 02139

268B-41
ALAM, MOHAMMED
370 RINDGE AVE.
CAMBRIDGE, MA 02140

268B-41
RAJAO, ELIANA M. PEREIRA &
CARLOS RICARDO RAJAO
354 RINDGE AVE UNIT 2
CAMBRIDGE, MA 02138

268B-41
DUGGAN, MARY D.
354 RINDGE AVE UNIT 5
CAMBRIDGE, MA 02138

268B-8
MUSTASCIO, GEORGE C.
LORENZO CASAMASSIMA
372 RINDGE AVE
CAMBRIDGE, MA 02140

268B-41
MANNING, BENADETTE
356 RINDGE AVE
CAMBRIDGE, MA 02138

268B-41
BARRY, ABRAHAM & OUMOU BARRY
358 RINDGE AVE
CAMBRIDGE, MA 02138

268B-41
SITHAR, DICKEY
354-388 RINDGE AVE UNIT 386
CAMBRIDGE, MA 02140

268B-41
REZAEI-KAMALABAD &
MARIANNE REZAEI-KAMALABAD
388 RINDGE AVE
CAMBRIDGE, MA 02139

268B-41
MASNY-SOKOLOWSKI, URSZULA
C/O URSZULA MASNY-LATOS
354 RINDGE AVE UNIT 4
CAMBRIDGE, MA 02138

268B-41
NAHEED, SITARA & ASIA RAHMAN
354-390 RINDGE AVE
CAMBRIDGE, MA 02138

268B-41
BROWN, MARIE BARBARA &
OWEN OSBOURNE BROWN
354 RINDGE AVE UNIT 3
CAMBRIDGE, MA 02138

268B-7
AL-AMIN, INC.
380 RINDGE AVE UNIT 2
CAMBRIDGE, MA 02140

268B-46
YOHANNES, EFREM T. &
MEAZA T. TEWELDEMEDHIN
390 RINDGE AVE.
CAMBRIDGE, MA 02140

268B-46
MCLEOD, LORNA
392 RINDGE AVE UNIT 7
CAMBRIDGE, MA 02140

268B-46
ARADOM, HAILE G. & GENET W. ARADOM
394 RINDGE AVENUE.
CAMBRIDGE, MA 02140

268B-46
NERE, SOLOMON K. &
HIWOT H. GEBREMARIAM
400 RINDGE AVE.
CAMBRIDGE, MA 02140

268B-46
JIFARA, TEREFE R & ELIZABETH HAILESILASE
398 RINDGE AVENUE UNIT 2
CAMBRIDGE, MA 02140

268B-46
BROWN, MELISSA
396 RINDGE AVENUE
CAMBRIDGE, MA 02140

268B-48
RINDGE ASSOCIATES
C/O FEDERAL MANAGEMENT CO.
536 GRANITE ST UNIT 301
BRAINTREE, MA 02184

268B-46
SHAMS SAIFUL & FARHANAH AFROZE
398 RINDGE AVENUE UNIT 3
CAMBRIDGE, MA 02140

269-138
IQHQ-ALEWIFE LLC
674 VIA DE LA VALLE - STE 206
SOLANA BEACH, CA 92075

268B-35-34
FFSIK LLC
29 ROBINSON DR
BEDFORD, MA 01730

268B-45
RINDGE TOWER APARTMENT LLC,
1035 CAMBRIDGE ST UNIT 12
CAMBRIDGE, MA 02141

268B-46
AFRICAWALA, SHAHENZAIBI F
FAHAD, S, AFRICAWALA
398 RINDGE AVE - UNIT 1
CAMBRIDGE, MA 02140

268B-47
RINDGE ASSOCIATES,
C/O FEDERAL MANAGEMENT CO., INC.
536 GRANITE STREET UNIT 301
BRAINTREE, MA 02184

268B-45
RINDGE COMMONS NORTH 4 LLC,
C/O JUST A START CORP.
1035 CAMBRIDGE ST. UNIT 12
CAMBRIDGE, MA 02141