



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number:	PB-395
Address:	425 Massachusetts Avenue
Zoning:	Business B District / Central Square Overlay District
Applicant:	Commonwealth Specialty Baking Co, LLC 1198 E Wild Tree Drive, Draper, UT 84020
Owner:	Watermark Central LLC One Broadway, 14 th Floor Cambridge, MA 02142
Application Date:	January 24, 2023
Date of Planning Board Public Hearing:	February 28, 2023; April 11, 2023
Date of Planning Board Decision:	April 11, 2023
Date of Filing Planning Board Decision:	May 19, 2023
Application:	Operate a Formula Business Quick Service Food Establishment occupying approximately 1,500 square feet on the first floor of the existing building.
Decision:	GRANTED with conditions.

2023 MAY 19 AM 11:21
OFFICE OF THE CITY CLERK
CITY OF CAMBRIDGE, MASSACHUSETTS

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this decision, please contact Swaathi Joseph at 617-349-4668, or sjoseph@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Crumbl Cookies Special Permit Application dated 1/18/2023, containing *inter alia*, Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Fee Schedule, Project Narrative, Zoning Analysis, and Community Outreach Summary; and plan set titled Crumbl Cookies – Market Central prepared by JZW Architects, Inc., dated 5/23/2022.
2. Presentation slides shown to the Planning Board on 2/28/2023.
3. Revisions submitted on 3/14/2023, including, responses to Board comments and updated plan set showing Open Bakery relocated along the alley way, prepared by JZW Architects, Inc., dated 5/23/2022.
4. Presentation slides shown to the Planning Board on 4/11/2023.

City of Cambridge Documents

5. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 2/21/2023.
6. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 4/4/2023.

Other Documents

7. Letter to the Planning Board from the Central Square Advisory Committee, dated 3/2/22.

APPLICATION SUMMARY

The proposal is to open a Quick-Service Food Establishment in the Market Central development at 425 Massachusetts Avenue, occupying approximately 1500 square feet. While this use is allowed as-of-right by the Zoning Ordinance, the applicant is a Formula Business and therefore needs a special permit from the Planning Board. The applicant does not propose any changes to the building exterior, besides signage and window decals.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Special Permit for Formula Business in the Central Square Overlay District (Section 20.304.5.4)

A Formula Business as defined in this Ordinance may be established in the Central Square Overlay District only after the issuance of a special permit from the Planning Board. In reviewing an application the Planning Board shall take the following into consideration:

- a. The extent to which the design of the proposal reflects, amplifies, and strengthens the established historical character of existing buildings and store fronts in Central Square.*
- b. The extent to which the particulars of the building or storefront design is varied from the formula or standard design of the chain in order to reflect the unique character and conditions of Central Square generally or the specific location in particular.*
- c. The extent to which the standard elements of the enterprise as they define it as a Formula Business are modified to respect and provide unique expressions of Central Square history and traditions as well as innovation in physical design and marketing that will distinguish the Central Square location from other locations of the Formula Business.*

The Board finds that the proposal is unique to Central Square and distinguished from other Crumbl Cookies locations. A high degree of visual transparency is maintained, which is consistent with the urban design objectives for Central Square and the Special Permit PB-321 Market Central approval. The signage is subtle and the proposed window decals are small in scale to maintain transparency. The proposed business identification sign is of a similar scale to other signage in Central Square. It is located above the canopy on the louver band, which complements nearby stores.

2. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the

district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) It appears that requirements of this Ordinance cannot or will not be met, or ...

Upon granting of the requested special permits, it appears that the requirements of the Ordinance will be met.

(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...

The use was anticipated by the special permit that authorized development of the building (PB-321). No additional traffic is expected.

(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...

The proposed use complies with allowed uses in this district and will not adversely affect adjacent uses that exist or are anticipated in the future.

(d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or ...

The proposed use will not create nuisance or hazard, and all development activity will adhere to applicable health and safety regulations.

(e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...

The proposed retail use complies with allowed uses in this district and will not impair the integrity of Central Square.

(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

The proposed use was anticipated by the special permit that authorized development of the building (PB-321). The proposed façade design supports the retail character of the area consistent with the Urban Design Objectives.

DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits.

1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents and other supporting materials submitted to the Planning Board, except as modified by the additional Conditions of this Special Permit Decision. The project plans hereby approved by the Planning Board are the plan set in Revisions of the Special Permit Application, dated 3/14/2023. Appendix I summarizes the dimensional features of the project as approved.
2. This Special Permit shall be valid only for the Permittee to operate a Formula Business Quick-Service Food Establishment at the location depicted in the Application Documents. Any other Formula Business seeking to operate at the proposed location, or any proposal by the Permittee to operate a Formula Business at another location, shall require a new special permit from the Planning Board.
3. The project shall be subject to continuing design review by the Community Development Department (“CDD”). Before issuance of each Building Permit for the project, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Decision. As part of CDD’s administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.
4. The Permittee shall address the following comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
 - a. Exterior lighting shall be approved by CDD if any new fixtures are proposed.
 - b. Exterior signage and window graphics.
5. Additional signage applied to the windows shall be permitted without Planning Board approval, provided that it does not violate the applicable requirements of Article 7.000 of the Zoning Ordinance.

Voting in the affirmative to grant the requested Special Permits were Planning Board Members Steven Cohen, H Theodore Cohen, Mary Flynn, Hugh Russell, Tom Sieniewicz, and Associate Member Ashley Tan, appointed by the Chair, to act on the case constituting at least two thirds of the members of the Board.

For the Planning Board,

A handwritten signature in cursive script that reads "Mary Flynn".

Mary Flynn, Chair

A copy of this decision PB-395 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision has been filed on May 19, 2023 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:
_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	38,773	n/a	No change	No Change
Lot Width (ft)	Multiple Lots	n/a	No change	No Change
Total GFA (sq ft)	252,025	252,025	No change	
Residential Base	249,275	252,025	No change	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	2,800	252,025	No change	
Inclusionary Bonus	0	0	No change	
Total FAR	6.5	6.5	No change	Consistent with Application Documents and applicable zoning requirements
Residential Base	6.4	6.4	No change	
Non-Residential Base	0.1	0.1	No change	
Inclusionary Bonus	0	0	No change	
Total Dwelling Units	285	n/a	No change	
Base Units	n/a	n/a	No change	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	n/a	n/a	No change	
Base Lot Area / Unit (sq ft)	136	n/a	No change	
Total Lot Area / Unit (sq ft)	136	n/a	No change	
Height (ft)	197; 70	197; 70	No change	
Front Setbacks (ft)	0	0	No change	Consistent with Application Documents and applicable zoning requirements
Side Setback (ft)	10	0	No change	
Side Setback (ft)	10	0	No change	
Rear Setback (ft)	0	0	No change	
Open Space (% of Lot Area)	12	10	No change	Consistent with Application Documents and applicable zoning requirements
Private Open Space	12	10	No change	
Permeable Open Space	0	n/a	No change	
Off-Street Parking Spaces	134	143-214	No change	
Long-Term Bicycle Parking	302	301	No change	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	40	40	No change	
Loading Bays	1	1	No change	

There are no changes to the existing building with regard to the dimensional requirements approved under PB-321. The approved formula business shall occupy an existing space of approximately 1500 square feet on the ground story of the existing building in conformance with the Application Documents.