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

Special Permit: ✔
Variance:  
Appeal:  

PETITIONER: Capital One 360 Cafe – C/O James J. Rafferty, Esq.

PETITIONER'S ADDRESS: 675 Massachusetts Avenue Cambridge, MA 02139

LOCATION OF PROPERTY: 28 JFK Street, Cambridge, MA

TYPE OF OCCUPANCY:  
ZONING DISTRICT: Business B/Harvard Square Overlay District

REASON FOR PETITION: Change in Use / Occupancy

DESCRIPTION OF PETITIONER'S PROPOSAL:
Petitioner seeks to utilize property as a Capital One 360 Cafe containing a Peet's Coffee in addition to providing banking services and products.

SECTIONS OF ZONING ORDINANCE CITED:

Article 4.000 Section 4.35 (Fast Order Food Establishment).
Article 10.000 Section 10.40 (Special Permit).
Article 11.000 Section 11.30 (Fast Order Food Establishment).
Article 20.000 Section 20.50 (Harvard Square Overlay District).

Original Signature(s):

James J. Rafferty

(Print Name)

Address: 675 Massachusetts Avenue
Cambridge, MA 02139

Tel. No.: (617) 492-4100

E-Mail Address: jrafferty@adamsrafferty.com

Date: July 9, 2015
OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

To be completed by OWNER, signed and returned to Secretary of Board of Appeal

[Capital One 360 Cafe - c/o James J. Rafferty, Esq.] (Petitioner)

Address: c/o James J. Rafferty, Esq. 675 Massachusetts Avenue Cambridge, MA 02139

Location of Premises: 28 JFK Street

the record title standing in the name of Alliara LLC

whose address is 1188 Centre Street, Newton Centre MA 02459

(by a deed duly recorded in the Middlesex County Registry of Deeds in

Book 60809 Page 92 or _________ Registry

District of Land Court Certificate No. _________ Book ______ Page ______

Alliara LLC

by: [Signature]

Owner, Manager

On this 1st day of July, 2015, before me, the undersigned notary public, personally appeared [Name] proved to me through satisfactory evidence of identification, which were [Driver's License], to be the person whose name is signed on the preceding or attached document, and acknowledged to me that [Signature] signed it voluntarily for its stated purpose.

Notary Public
My commission expires January 23, 2020
## BZA APPLICATION FORM

### DIMENSIONAL INFORMATION

| Applicant: | James Rafferty, Esq. | Present Use/Occupancy: | Retail |
| Location: | 28 JFK St Cambridge, MA | Zone: | Business B/ Harvard Square 0 |
| Phone: | | Requested Use/Occupancy: | Fast order food |

**EXISTING CONDITIONS** | **REQUESTED CONDITIONS** | **ORDINANCE REQUIREMENTS** |
---|---|---|
TOTAL GROSS FLOOR AREA: | 3,200sf* | no change | 41,048 (max.) |
LOT AREA: | 10,262 | no change | none (min.) |
RATIO OF GROSS FLOOR AREA TO LOT AREA: | 2.7 | no change | 4 (max.) |
LOT AREA FOR EACH DWELLING UNIT: | N/A | N/A | N/A (min.) |
SIZE OF LOT: | | | |
| WIDTH | +/-100' | no change | none (min.) |
| DEPTH | +/-100' | no change | N/A |
SETBACKS IN FEET: | | | |
| FRONT | 0' | no change | none (min.) |
| REAR | 0' | no change | none (min.) |
| LEFT SIDE | 0' | no change | none (min.) |
| RIGHT SIDE | 0' | no change | none (min.) |
SIZE OF BLDG.: | | | |
| HEIGHT | +/-45' | no change | 60' (max.) |
| LENGTH | +/-100' | no change | N/A |
| WIDTH | +/-100' | no change | N/A |
RATIO OF USABLE OPEN SPACE TO LOT AREA: | 0 | no change | none (min.) |
NO. OF DWELLING UNITS: | 0 | no change | N/A (max.) |
NO. OF PARKING SPACES: | 0 | no change | 0 (min./max) |
NO. OF LOADING AREAS: | 0 | no change | N/A (min.) |
DISTANCE TO NEAREST BLDG. ON SAME LOT: | N/A | N/A | N/A (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.

*Size of space. Total building is 27,846 sf

---

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'.
BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A SPECIAL PERMIT

Please describe in complete detail how you meet each of the following criteria referring to the property and proposed changes or uses which are requested in your application. Attach sheets with additional information for special permits which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for 28 JFK St Cambridge, MA (location) would not be a detriment to the public interest because:

A) Requirements of the Ordinance can or will be met for the following reasons:

The use of a portion of the premises as a Peet's Coffee located within a retail use providing financing financial services meets all of the criteria of Article 11.31 in that it will attract walk-in patrons from the adjacent office, academic and multi-family buildings.

B) Traffic generated or patterns of access or egress would not cause congestion hazard, or substantial change in established neighborhood character for the following reasons:

This section of Harvard Square contains a wide range of retail and restaurant uses and the proposed use will not change existing traffic patterns.

C) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the nature of the proposed use for the following reasons:

The surrounding uses will not be adversely affected by the operation of this use that will attract banking customers and cafe patrons.

D) Nuisance or hazard would not 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 for the following reasons:

The petitioner will operate its premises in complete compliance with all health, safety and sanitary code requirements.

E) For other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent or purpose of this ordinance for the following reasons:

The unique aspect of this Cafe that combines banking services within a Cafe setting will contribute to the diversity of uses encouraged by the Harvard Square Overlay District.