

BZA APPLICATION FORM

CHECK LIST

PROPERTY LOCATION: 84 WINTHROP ST, CAMBRIDGE DATE: 9/5/18

PETITIONER OR REPRESENTATIVE: ANDREW UPTON, ESQ.

ADDRESS & PHONE: DSU LANE, SIX BRANW ST # 700, BOSTON MA 02108 - 617 279 2595

BLOCK: _____ LOT: _____

PLEASE CHECK THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR APPLICATION. APPLICATIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED.

PLEASE INCLUDE THIS CHECKLIST WITH YOUR APPLICATION. ALL DOCUMENTS ARE TO BE TYPED OR WRITTEN LEGIBLY.

DOCUMENTS

	<u>REQUIRED</u>	<u>ENCLOSED</u>
Application Form	✓	✓
3 Forms with Original Signatures		
Supporting Statements - Scanned & 1 set to Zoning	✓	✓
Application Fee (You will receive invoice online)	✓	
Assessor's GIS "Block Map" (Available on line or At Engineering Dept. - 147 Hampshire Street)	✓	✓
Dimensional Form - Refer to Cambridge Zoning Ordinance - Scanned & 1 set to Zoning (Subject to further review by Zoning Specialist)	N/A	
Ownership Certificate, Notarized - Scanned & 1 set to Zoning	✓	✓
Floor Plans - Scanned & 1 set to Zoning	✓	✓
Elevations - Scanned & 1 set to Zoning	✓	✓
Certified Plot Plan - Scanned & 1 set to Zoning (By Registered Land Surveyor)	✓	✓
Photographs of Property - Scanned & 1 set to Zoning	✓	✓
Parking Plan (if relevant to your application) Scanned & 1 set to Zoning	N/A	

FOR SUBDIVISION ALSO INCLUDE: Scanned & 1 set to Zoning

Proposed Deeds	_____	_____
Evidence of Separate Utilities **	_____	_____
Proposed Subdivision Plan	_____	_____

Petitioners are advised to refer to Attachment A (Procedures for applying to the Board of Zoning Appeal) & consult zoning staff for review.
It is advisable for the Petitioner to discuss the petition with the abutters as listed in the Zoning BZA Case file.

* For Special Permits under Art. 4.32.G.1 (Communication Towers and Antennas), include a photo simulation.
** Can be submitted after subdivision has been approved.

Andrew Upton

From: noreply@cambridgema.gov
Sent: Thursday, September 13, 2018 4:17 PM
To: Andrew Upton
Subject: Payment Receipt: EnerGov ISD

Successful Payment Receipt

Please print this receipt for your records

Remittance ID: 898F1D268D554B9B93877F4C394FC7

Received: September 13, 2018 04:15PM EDT

Invoice Number: 00101609

Case Number: 00101609

Amount: \$1,514.50

Service Fee: \$2.00

Service Fee Type: Dual Transaction

Total Amount: \$1,516.50

Transaction Type: Debit

Paid By: Check

Check Information: Corporate

Account Type: Checking

Account No. *****7809

RTN: 211070175

Company's Name: DiNicola, Seligson & Upton, LL

Billing information: Address Line 1: Six Beacon Street

Address Line 2: Suite 700

Country: United States

City: BOSTON

State: Massachusetts

ZIP Code: 02108

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Dincola, Seligson & Upton, LLP **PRESENT USE/OCCUPANCY:** Restaurant
LOCATION: 84 Winthrop St Cambridge, MA 02138 **ZONE:** _____
PHONE: _____ **REQUESTED USE/OCCUPANCY:** Restaurant

	<u>EXISTING CONDITIONS</u>	<u>REQUESTED CONDITIONS</u>	<u>ORDINANCE REQUIREMENTS</u> ¹	
<u>TOTAL GROSS FLOOR AREA:</u>	N/A	N/A	N/A	(max.)
<u>LOT AREA:</u>	0	0	0	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> ²	0	0	0	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	0	0	0	(min.)
<u>SIZE OF LOT:</u>	WIDTH	0	0	(min.)
	DEPTH	0	0	
<u>SETBACKS IN FEET:</u>	FRONT	0	0	(min.)
	REAR	0	0	(min.)
	LEFT SIDE	0	0	(min.)
	RIGHT SIDE	0	0	(min.)
<u>SIZE OF BLDG.:</u>	HEIGHT	0	0	(max.)
	LENGTH	00	0	
	WIDTH	0	0	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>	00	0	0	(min.)
<u>NO. OF DWELLING UNITS:</u>	0	0	0	(max.)
<u>NO. OF PARKING SPACES:</u>	0	0	0	(min./max)
<u>NO. OF LOADING AREAS:</u>	0	0	0	(min.)
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT:</u>	0	0	0	(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.

N/AN/A

- 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'.

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:

Please see attached.

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:

Please see attached.

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

1) Substantial detriment to the public good for the following reasons:

Please see attached.

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

Please see attached.

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

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 84 Winthrop St Cambridge, MA 02138 (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:
Please see attached.
- 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:
Please see attached.
- 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:
Please see attached.
- 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:
- 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:

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 Raj Dhande
(OWNER)

Address: 166 Harvard Street, Brookline MA 02446

State that I/We own the property located at 57 JFK Street, Cambridge MA 02138 which is the subject of this zoning application.

The record title of this property is in the name of Crimson Galleria, LP

*Pursuant to a deed of duly recorded in the date July 10, 1988, Middlesex South County Registry of Deeds at Book 28824, Page 484; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.

Raj Dhande
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 Suffolk

The above-name Raj Dhande personally appeared before me, this 28 of August 2018, and made oath that the above statement is true.

[Signature]
Notary

My commission expires 10/12/2018 (Notary Seal)



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

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, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for Veggie Grill at 84 Winthrop Street (aka 57 JFK) would not be a detriment to the public interest because:

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

- 1) The operation of Veggie Grill at this location will not create any additional traffic or reduce parking. It replaces a former sit down restaurant, Wagamam.
- 2) The nature of the offering of food (Vegan Cuisine) is compatible with the other restaurant tenants in the building, while offering a unique style of food.
- 3) This will be the first Veggie Grill in Massachusetts. Veggie Grill is very interested in providing this new made to order, innovative and craveable veggie centric food at Harvard Square, and seeks a long, successful relationship with the local community.

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:

- 1) Patrons of Veggie Grill will primarily arrive on foot.
- 2) Other uses in the same building are similar, Veggie Grill replaces the former tenant of the space (Wagamama), so no changes to the local traffic patterns are anticipated.
- 3) Parking areas around the building are clearly marked. The site is also serviced by the Harvard Square Subway Station, numerous bus routes, and popular ride and bike sharing services.

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:

- 1) Adjacent uses as permitted by the zoning ordinance will not be adversely affected by the proposed use of the tenant space. Veggie Grill is a similar use to many of the neighboring businesses (restaurants), and will not create any adverse impacts to the adjacent uses. Automobile traffic will not be negatively impacted, as Veggie Grill will only be part of a large community of business that relies heavily on foot traffic.

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 proposed use of Veggie Grill would not create a nuisance for the following reasons:

- 1) The area is already occupied by many other restaurant establishments

2) Veggie Grill practices sustainability efforts throughout its operations. Its food is the ultimate in 'do no harm to the planet' as it all plant based. Veggie Grill utilizes recyclable or biodegradable non-food products to the greatest extent possible.

3) Veggie Grill will focus on making better for you , veggie centric food. The limited menu will enable fast, efficient, and a constant quality of product for the consumer.

4) Compared to the vast majority of restaurants, a plant based food menu produces very limited grease vapors or other detrimental waste products in the preparation process.

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:

1) The operations of a Vegetarian/Vegan restaurant here is very compatible with the other business in the area. Although the preparation and cooking process allows for a quick-serve environment and easy pick-up and go services, places to sit and eat will also be available for those patrons wishing to stay and eat.

2) The area is very diverse in its businesses. Veggie Grill would not stand out as a fast food use, as others are also in the area, but would offer itself as a unique food alternative in the area due to the product mix and preparation style.

COMPLIANCE WITH REQUIREMENTS OF SECTION 11.30 – FAST ORDER SPECIAL PERMIT

a) The operation of the establishment shall not:

- 1) Create traffic problems. The operation of a Veggie Grill fast order food establishment shall not create traffic problems at this location. The large majority of customers will be pedestrians from Harvard Square. Because of this, traffic patterns, congestion, and parking will not be adversely affected.
- 2) Reduce available parking. Veggie Grill use of the site as a fast order food establishment will not reduce available parking. The customers will be walk-in customers from the Harvard Square area.
- 3) Threaten the public safety in the streets and sidewalks. The use of the space as Veggie Grill will not threaten the public safety in the streets or sidewalks. The large majority of customers will access the site on foot and are served by adjacent sidewalks and marked street crossings near the site. There will be no “drive thru” service at the restaurant.
- 4) Encourage or produce double parking on the adjacent public streets. The nature of the business will not encourage or provide double parking on the street. Street parking is clearly defined, and the majority of customers will arrive on foot.

b) The physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location.

This site and the surrounding retail business sites in the local Harvard Square business/commercial areas provide a diverse mix of physical designs, colors and materials. The space design for Veggie Grill will add to and contribute to the variety and vibrancy of the retail establishments in Harvard Square. This factor is additionally minimized as the majority of the public-facing space is internal to the Mall.

c) The establishment fulfills a need for such a service in the neighborhood or in the city.

Veggie Grill will offer a unique food product (Vegan Cuisine) that is quickly prepared, flavorful and healthy. Servings will be such that customers can easily fit the meal into their personal portion sizes and/or easily fit within a budget. All of the menu items are free of meat, dairy, eggs and other animal products, and therefore, free of antibiotics and hormones. Plant based proteins are the main ingredient in numerous dishes and all dishes are gluten-friendly. The menu is varied and includes no animal fats, trans fats, is non GMO and organic in many cases..

The Harvard Square neighborhood attracts a large number of shoppers, visitors, and tourist. The existing retail, commercial, office, academic, and residential character of the neighborhood, and the large number of local working people, residents, and students, along with visitors, tourist, and shoppers in Harvard Square can easily incorporate a fast order food establishment such as Veggie Grill, which is offering a new, unique food style.

- d) The establishment will attract patrons primarily from walk in trade as opposed to drive in or automobile related trade; however, should the Board specifically find that the district or area within which the establishment is proposed to be located does not have significant pedestrian traffic, this requirement need not be met.**

Being in Harvard Square, and the large number of office, retail workers, residents, students, shoppers, visitors and tourist that are present on a daily basis, Veggie Grill anticipates the vast majority of patrons to arrive via foot. Veggie Grill would be providing XXX interior seats.

- e) The establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for consumption thereof.**

Veggie Grill will provide its customers with recyclable or biodegradable eating utensils and serving plates.

- f) The establishment shall provide convenient, suitable and well-marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and**

Well-marked and conveniently located trash receptacles will be available to encourage proper disposal of waste materials.

- g) The establishment complies with all state and local requirements applicable to ingress, egress and use of all facilities on the premises for handicapped and disabled persons.**

The design of Veggie Grill complies with all state & local requirements for egress/ingress and use of facilities as an accessible space.

LEGEND

- Address
- Rail
- Building Footprints
- Parcels
- Paved Surfaces
- Paved Roads
- Bridges
- Unpaved Roads
- Unpaved Parking
- Sidewalks
- Driveways
- Alleys
- Other Paved Surface
- Public Footpath



City of Cambridge
Massachusetts
1" = 50 ft

All data is provided for graphic representation only. The City of Cambridge expressly disclaims all warranties of any type, expressed or implied, including, but not limited to, any warranty as to the accuracy of, or the suitability, or fitness for a particular purpose.

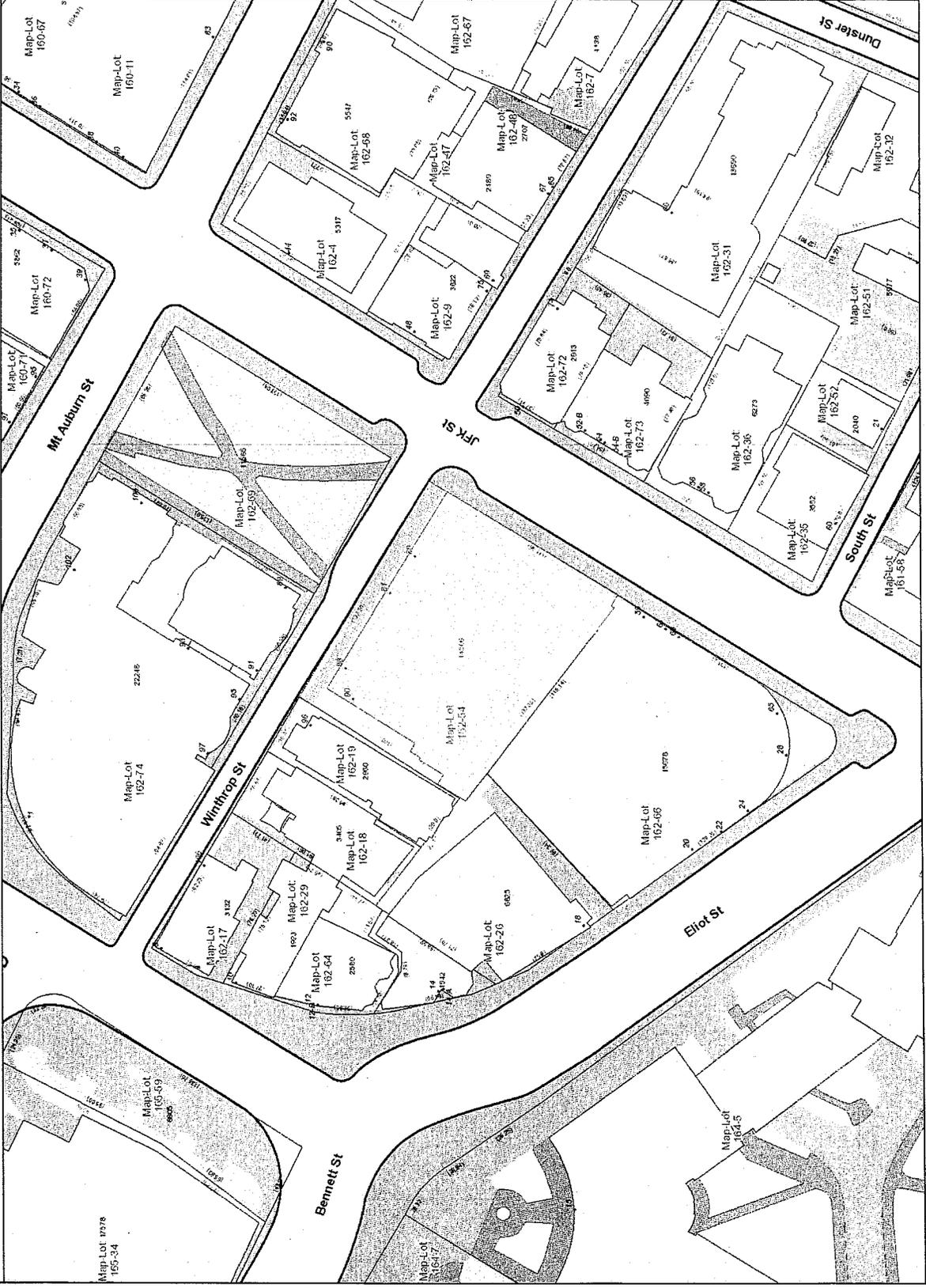
www.cambridgema.gov/gis

MARLBOROUGH MEDFORD



November 16, 2015

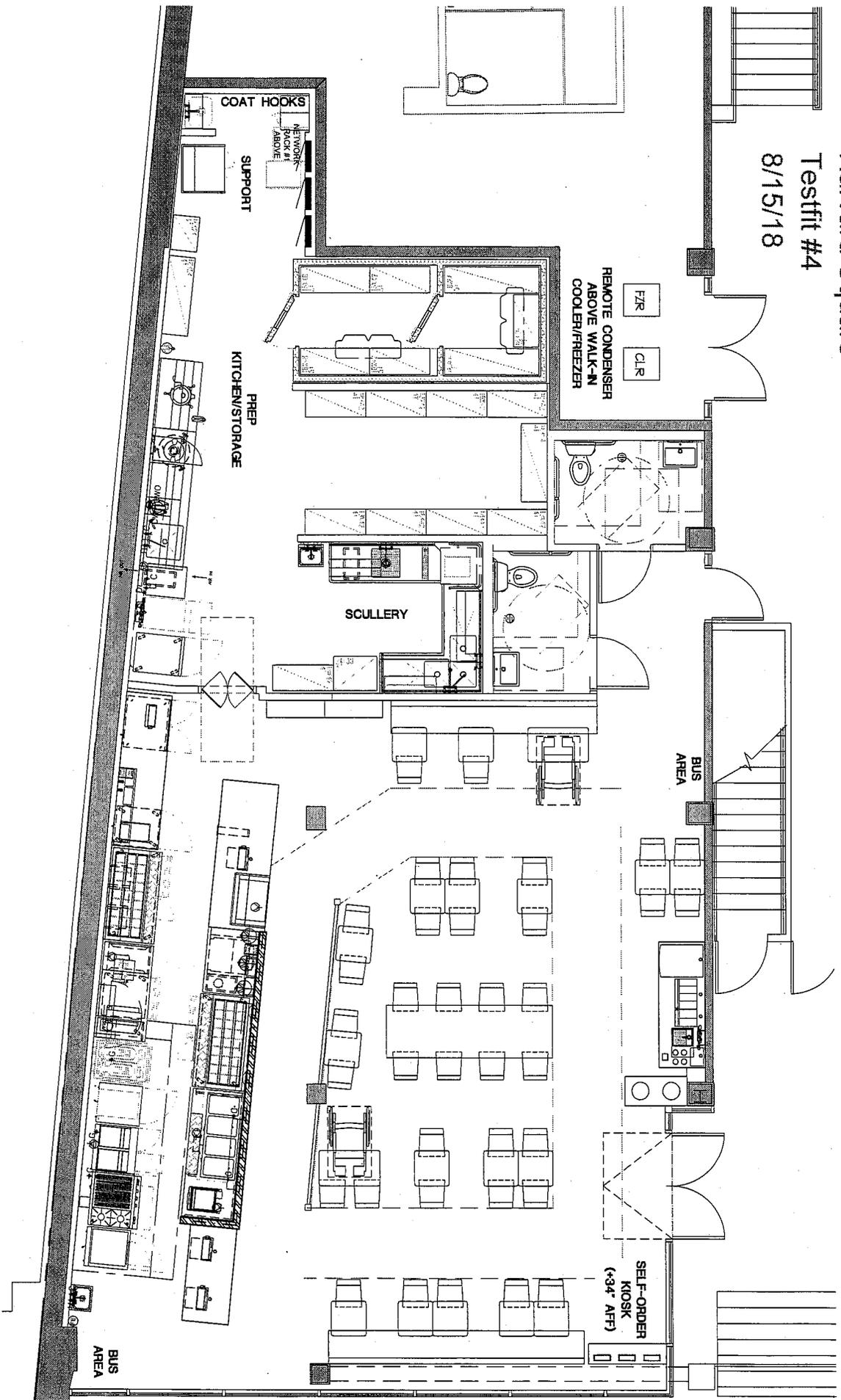
City of Cambridge

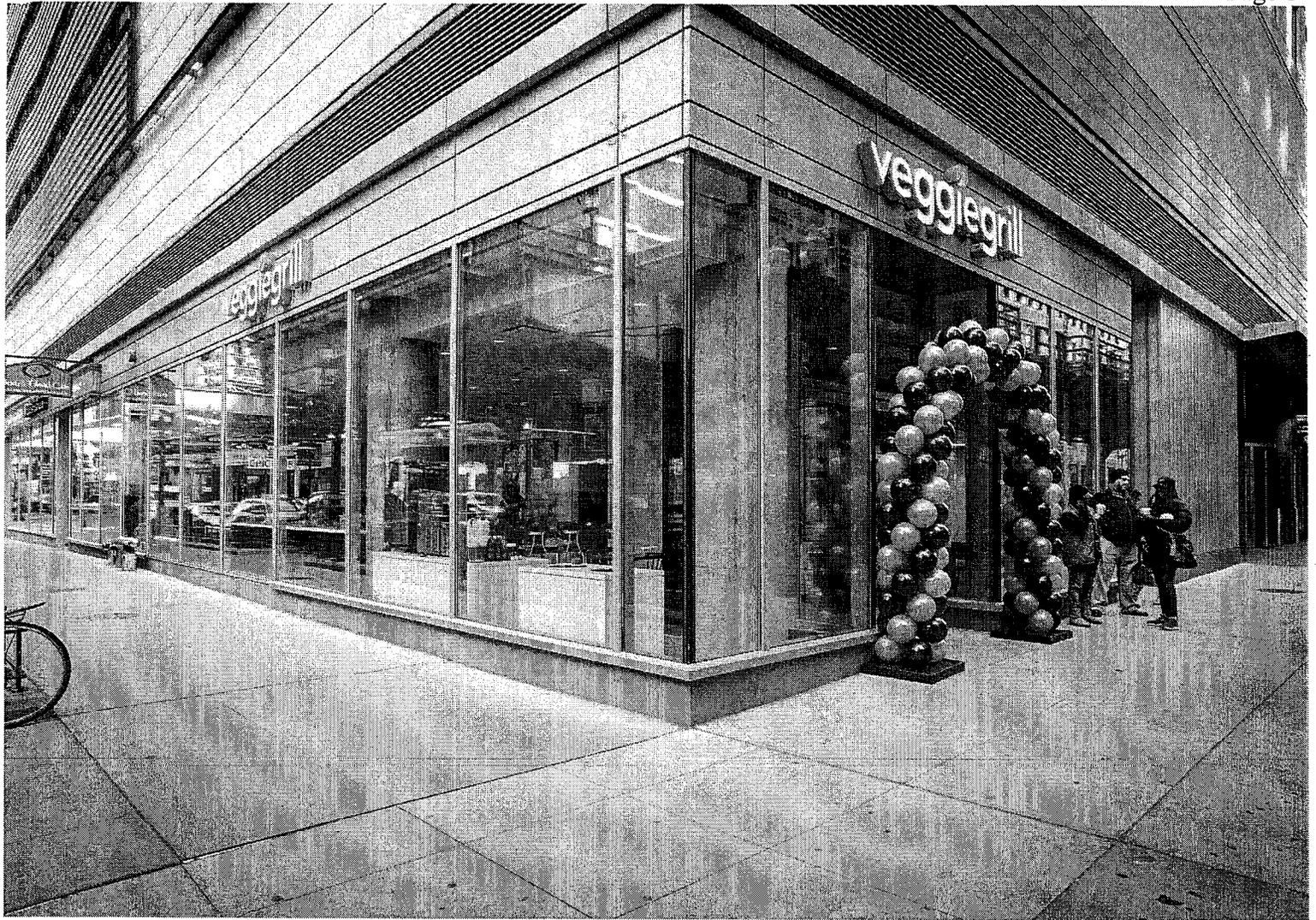


Harvard Square

Testfit #4

8/15/18





ORDE









Site Photographs



Fig 1- View of the building from the N.E. corner of JFK and Winthrop St.



Fig 2 – View of N.E. corner of building

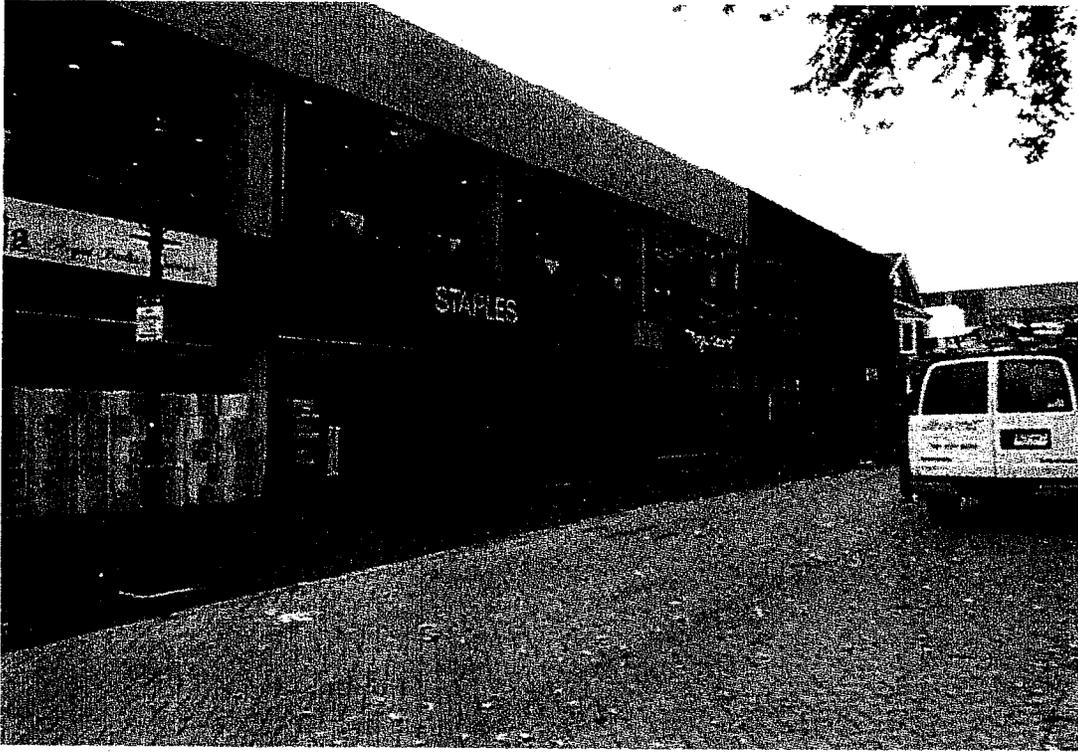


Fig 3 – View of the proposed space from JFK Street.

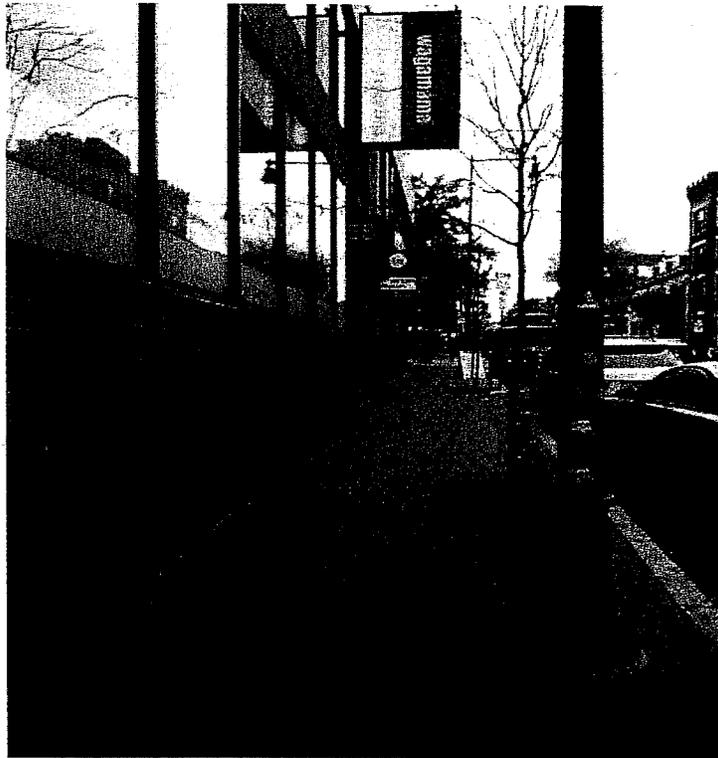


Fig 4 – View of walk from parking garage toward Galeria

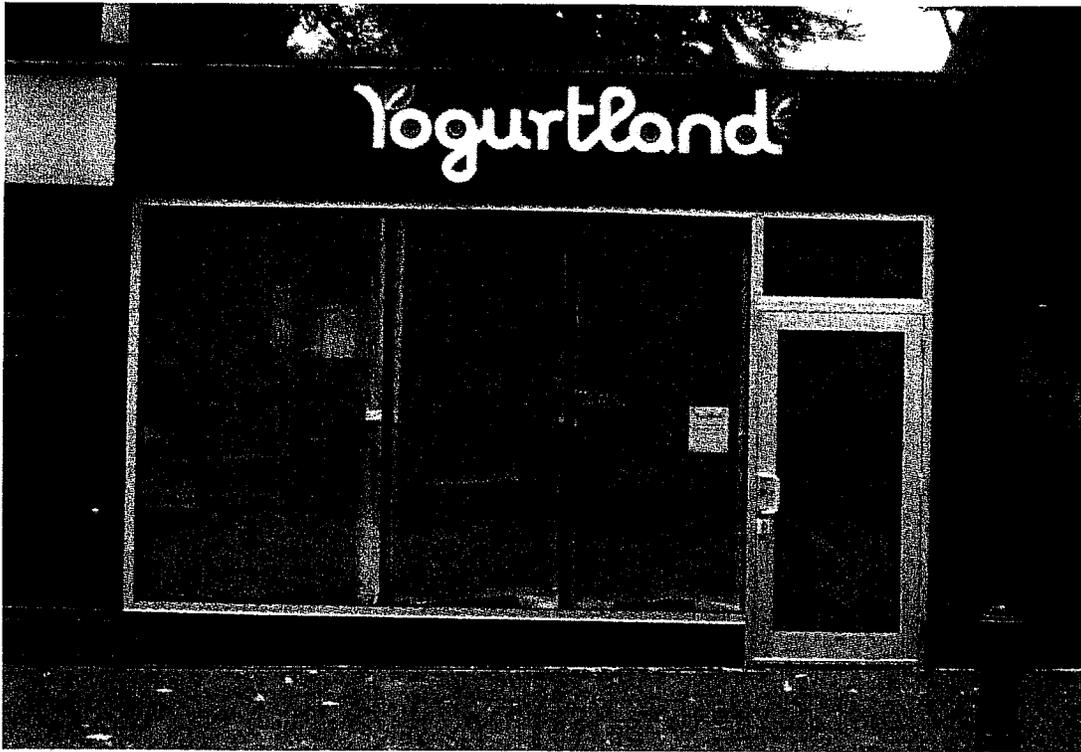


Fig 5 – Main storefront



Fig 6 – Storefront adjacent to staples.