

CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2022 JAN 21 PM 8: 04

CFFICE OF THE SITY CLERK IN ISRIDGE, MASSACHUSETT

BZA Application Form

BZA Number: 159906

<u>General</u>	<u>Information</u>
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The undersigned hereby petitions the Board of Zoning Appeal for the following:							
Special Permit: _	X	Variance:		Appeal:			
PETITIONER: BERKMAR, LLC, C/O Paul Rungta of Brooklyn Bagel Factory							
PETITIONER'S ADDRESS: 114 Magazine Street , Cambridge, MA 02139							
LOCATION OF PROPERTY: 168 Hampshire St., Cambridge, MA							
TYPE OF OCCUPANCY: <u>Drycleaner / Vacant</u> ZONING DISTRICT: <u>Business A Zone</u>							
REASON FOR P	ETITION:						
/Change in Use/0	Occupancy/						
DESCRIPTION	OF PETITIO	ONER'S PROPOSAI	L:				
Please consider t	o change to 2	Coning so that I can op	en a Bagel Shop				
SECTIONS OF ZONING ORDINANCE CITED:							
Article: 4.000 Section: 4.35(o) (Fast Order Food Establishment).							
Article: 11.000	Article: 10.000 Section: 10.40 (Special Permit). Article: 11.000 Section: 11.30 (Fast Order Food Establishment).						
				Λ			
		Original	· L	The Gren			
		Signature(s):		(Petitioner (s) / Owner)			
			Gapa	e Rungta.			
			- Caro ((Print Name)			
		Address: Tel. No.	129 Frank 8572460966	4'in St #112 Campalge MAO2129			

brooklynbagelfactory@gmail.com

E-Mail Address:

Date: 01 (19/14.

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 BerKMW LLC do NCP Management
Address: 716 Benun st # 590179 Newton, MA
State that I/We own the property located at 168 Humpshire St.
which is the subject of this zoning application.
The record title of this property is in the name of Renew LLC
*Pursuant to a deed of duly recorded in the date
County Registry of Deeds at Book 64411, Page 302; or
Middlesex Registry District of Land Court, Certificate No. 162924
Book Page
The state of the s
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 Myddusex
The above-name Zachany Sanbucci personally appeared before me,
this 13th of January, 2022, and made oath that the above statement is true.
Notary
My commission expires (Notary Seal). My commission Expires My Commission Expires January 15, 2027

• 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 which have additional criteria, e.g.; fast food permits, comprehensive permits, etc., which must be met.

Granting the Special Permit requested for <u>168 Hampshire St</u>, <u>Cambridge</u>, <u>MA</u> (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:

There is no change to the dwelling / building or structure. Proposing a small Bagel shop with no Hood in existing structure / shop. I am a Cambridge resident and lost two resturants due to covid in Cambridge. Brooklyn Bagel Factory will be a high class Bagel shop for locals by a local.

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:

Our concept is Online ordering and mostly pick up or delivery. We have some seating for the patrons who wants to grab a bite and finish there home work. Our concept will not bring any congestion and it will not bring any changes to the character of neighborhood.

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:

No it will not

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:

No it will not

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:

No it will not

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^{*}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: BERKMAR, LLC,

Present Use/Occupancy: <u>Drycleaner / Vacant</u>.

Location:

168 Hampshire St., Cambridge, MA

Zone: Business A Zone

Phone:

8572460966

Requested Use/Occupancy: Bagel Shop

		Existing Conditions	Requested Conditions	<u>Ordinance</u> <u>Requirements</u>	
TOTAL GROSS FLOOR AREA:		840	840	840	(max.)
LOT AREA:		840	840	840	(min.)
RATIO OF GROSS FLOOR AREA TO LOT AREA: ²		n/a	n/a	n/a	
LOT AREA OF EACH DWELLING UNIT		n/a	n/a	n/a	
SIZE OF LOT:	WIDTH	n/a	n/a	n/a	
	DEPTH	n/a	n/a	n/a	
SETBACKS IN FEET:	FRONT	n/a	n/a	n/a	
	REAR	n/a	n/a	n/a	
	LEFT SIDE	n/a	n/a	n/a	
	RIGHT SIDE	n/a	n/a	n/a	
SIZE OF BUILDING:	HEIGHT	n/a	n/a	n/a	•
	WIDTH	n/a	n/a	n/a	
RATIO OF USABLE OPEN SPACE TO LOT AREA:		vacant 840 sq ft shop	bagel shop	Change of Zoning	
NO. OF DWELLING UNITS:		n/a	n/a	n/a	
NO. OF PARKING SPACES:		6	6	n/a	
NO. OF LOADING AREAS:		0	0	0	
DISTANCE TO NEAREST BLDG. ON SAME LOT		n/a	n/a	n/a	

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.:

n/a

- 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'.

ABBREVIATIONS:

ADDL	ADDITIONAL	MANUF OR MFR	MANUFACTURER
ALT	ALTERNATE	MATL	MATERIAL
AFF	ABOVE FINISH FLOOR	MAX	MAXIMUM
ASTM	AMERICAN SOCIETY FOR TESTING	MECH	MECHANICAL
	AND MATERIALS	MEMB MEP	MEMBRANE MECHANICAL EQUIPMENT PA
AWS	AMERICAN WELDING SOCIETY	MID	MIDDLE
AB & OR &	ANCHOR BOLT AND	MID-PT	MID-POINT
APPROX	APPROXIMATELY	MIN	MINIMUM
ARCH	ARCHITECT OR ARCHITECTURAL	MISC	MISCELLANEOUS
@	AT		
		NFPA	NATIONAL FOREST PRODUCT
BAL	BALANCE		ASSOCIATION
BETW	BETWEEN	NOM	NOMINAL
BM BRG	BEAM BEARING	NWC	NORMAL WEIGHT CONCRETE
BLK	BLOCK	N NIC	NORTH
B OR BOT	BOTTOM	NTS	NOT IN CONTRACT NOT TO SCALE
BEW	BOTTOM EACH WAY	NO OR #	NUMBER
BRKT	BRACKET		
BLDG	BUILDING	OC	ON CENTER
CID		OPNG	OPENING
CIP CTRD	CAST-IN-PLACE CENTERED	OPP	OPPOSITE
¢	CENTERLINE	OD OF	OUTSIDE DIAMETER OUTSIDE FACE
CLR	CLEAR	OF	OUTSIDE FACE
COL	COLUMN	P.T.	PRESSURE TREATED
CONC	CONCRETE	PT	POINT
CMU	CONCRETE MASONRY UNIT	PTD PTB	PAINTED POST-TENSIONED BAR
CONST	CONSTRUCTION	PSF	POUNDS PER SQUARE FOOT
CONSTJT OR \downarrow	CONSTRUCTION JOINT	PSI	POUNDS PER SQUARE INCH
CONT	CONTINUOUS	PVC	POLYVINYL CHLORIDE
CJ	CONTROL JOINT	P/C	PRECAST CONCRETE
DET	DETAIL		
DIA OR	DIAMETER	R	RADIUS
DIM	DIMENSION	REF	REFERENCE DEINEORGING
DN	DOWN	REINF	REINFORCE, REINFORCING OR REINFORCEMENT
DWG	DRAWING	REQD	REQUIRED
		RD	ROOF DRAIN
EA	EACH		
ELECT	ELECTRICAL	S	SEALANT
EL OR \oplus	ELEVATION	SCH OR SCHED	SCHEDULE
ELEV	ELEVATOR	SECT SH	SECTION SHEET
EMBED	EMBEDMENT	SIM	
EQ	EQUAL	SOG	SIMILAR SLAB ON GRADE
EQUIP	EQUIPMENT	S	SOUTH
EXIST	EXISTING	SPECS	SPECIFICATIONS
EXP BOLT	EXPANSION BOLT	SPKR	SPRINKLER
EJ OR EXP JT EXT	EXPANSION JOINT EXTERIOR	SQ	SQUARE
LXI	LATERIOR	STN STL	STAINLESS STEEL
FF	FINISH FACE	STD	STANDARD
FT	FEET OR FOOT	STL	STEEL
FIN	FINISH	ST STL	STAINLESS STEEL
FIN FL	FINISHED FLOOR	STRUCT	STRUCTURAL
FPRF	FIREPROOF	SYM	SYMMETRICAL
FL	FLOOR	TEMP	TEMPERATURE OR
FD	FLOOR DRAIN		TEMPORARY
FTG FDN	FOOTING FOUNDATION	THK	THICK OR THICKNESS
GA	GAGE OR GAUGE	X	TIMES OR BY
GALV	GALVANIZED	TO	TOP OF
GWB or GYP	GYPSUM WALL BOARD	T & B	TOP AND BOTTOM
HGT	HEIGHT	TOC	TOP OF CURB or CONCRETE
H OR HORIZ	HORIZONTAL	TOS TOW	TOP OF STEEL TOP OF WALL
IN	INCH	TYP	TYPICAL
INFO	INFORMATION		
INCL	INCLUDING OR INCLUSIVE	UNO	UNLESS NOTED OTHERWISE
ID	INSIDE DIAMETER	V OR VERT	VERTICAL
IF INCLII	INSIDE FACE	VIF	VERIFY IN FIELD
INSUL INT	INSULATION INTERIOR	W	WEST
INV	INVERT	WWPA	WESTERN WOOD PRODUCTS
JT	JOINT		ASSOCIATION
		W/	WITH
LWC	LIGHT WEIGHT CONCRETE	W/O	WITHOUT
LBS	POUNDS	WP	WORKING POINT

BROOKLYN BAGEL FACTORY RETAIL FIT-UP

168 Hampshire Street, Cambridge MA 02139

CODE REVIEW

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APPLICABLE CODES:
    A. 2015 IBC - 780 CMR 9TH EDITION
    B. 2015 IMC - MASSACHUSETTS MECHANICAL CODE
    C. 248 CMR - MASSACHUSETTS PLUMBING CODE
    D. 527 CMR - MASSACHUSETTS FIRE PREVENTION & ELECTRIC CODE
    E. NFPA 13, 14 & 72
    F. 521 CMR - MASSACHUSETTS ARCHITECTURAL ACCESS BOARD
III. SECTION 3 - USE GROUP CLASSIFICATION
    SECTION 303.3 -
         PROPOSED USE - ASSEMBLY A2
    TABLE 1004.1.2 - OCCUPANT LOAD
         STANDING SPACE UNCONCENTRATED (TABLES & CHAIRS) - 15 NSF/PERSON
              AREA = 350 NSF
              MAX DINING ROOM OCCUPANCY = 23.3
              DESIGNED OCCUPANCY = 16
         KITCHENS, COMMERCIAL - 200 GSF/PERSON
              AREA = 457GSF
              MAX KITCHEN OCCUPANCY = 2.2
              DESIGNED OCCUPANCY = 2
         TOTAL ALLOWED OCCUPANCY LOAD = 25.5
         TOTAL DESIGNED OCCUPANCY LOAD = 18
IV. SECTION 6 - CONSTRUCTION CLASSIFICATION
              SECTION 602.2 - TYPE 2B CONSTRUCTION
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VII. SECTION 10 - MEANS OF EGRESS: TABLE 1006.2.1 - SPACES W/ ONE EXIT OR EXIT ACCESS DOORWAY USE GROUP A2: MAX OCC: 49

PROPOSED: <49 MIN TRAVEL DISTANCE (SPRINKLED): 75' PROPOSED = 48' TABLE 1020.2 MINIMUM CORRIDOR WIDTH OCCUPANT LOAD <50 = 36" MIN

VIII. CMR 248, SECTION 10.10 PLUMBING FIXTURE COUNT FOR UNISEX RESTROOM BASED ON ACTUAL OCCUPANCY OF 53 MAX PERSONS/FLOOR 1/60 = 1 REQ'D 1/30 = 1 REQ'DURINAL 50% = <1 REQ'D LAV 1/75 = 1 REQ'D 1/75 = 1 REQ'D

GENERAL NOTES

SERVICE SINK 1

1. WORK SHALL COMPLY WITH FEDERAL, STATE AND LOCAL BUILDING CODES AND REGULATIONS. UNLESS OTHERWISE AGREED UPON, THE CONTRACTOR IS RESPONSIBLE FOR SECURING ALL BUILDING PERMITS AS REQUIRED TO PERFORM HIS OR HER WORK AND WILL RETAIN AND PAY FOR ALL REQUIRED INSPECTIONS FOR THE DURATION OF CONSTRUCTION.

2. CONTRACTOR SHALL ENGAGE A LICENSED ELECTRICIAN FOR: A. ALL ELECTRICAL WORK & ANY REQUIRED LIGHTING TO MAINTAIN w/sf REQUIREMENTS FOR THE PROPOSED USE. B. ASSESMENT OF EXISTING FIRE ALARM, SMOKE ALARMS, STROBES AND PULL STATIONS FOR COMPLIANCE WITH NFPA 70 AND NFPA 72.

3. CONTRACTOR SHALL ENGAGE A LICENSED FIRE PROTECTION CONTRACTOR TO ASSESS AND RE-ENGINEER FIRE SPRINKLER SYSTEM AS REQUIRED AND IN COMPLIANCE WITH CHAPTER 9 OF THE 2015 IBC AND AS REQUIRED BY 780CMR 107.2.2

4. CONTRACTOR SHALL ENGAGE A LICENSED MECHANICAL CONTRACTOR FOR ALL FOR ANY ALTERATIONS TO MECHANICAL AND DUCT SYSTEMS. WORK SHALL COMPLY WITH REQUIREMENTS THE 2015 IMC

5. CONTRACTOR RESPONSIBLE FOR ALL PREPARATION WORK REQUIRED BY MANUFACTURER'S SPECIFICATIONS.

6. CONFLICTS BETWEEN SITE CONDITIONS AND DRAWINGS SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE ARCHITECT OR THE APPROPRIATE CONSULTING ENGINEERS.

7. CONFIRM DIMENSIONS WITH THE ARCHITECT OR APPROPRIATE CONSULTING ENGINEER.

8. CONTRACTOR TO NOTIFY ARCHITECT, AFTER LAYOUT AND PRIOR TO FRAMING, OF ANY DISCREPANCY, OMISSION, OR UNANTICIPATED FIELD CONDITIONS ALTER THE DESIGN INTENT.

9. CONTRACTOR TO NOTIFY ARCHITECT, AFTER LAYOUT AND PRIOR TO FRAMING, IF DIMENSIONS INDICATED WITH "+/-" VARIES MORE THAN 3" FROM ACTUAL FIELD MEASURMENTS.

10. CONTRACTOR RESPONSIBLE FOR ALL PREPARATION WORK REQUIRED BY MANUFACTURER'S SPECIFICATIONS.

11. DAMAGED TO EXISTING OR NEW CONSTRUCTION CAUSED BY THE CONTRACTOR, HIS OR HER SUB-CONTRACTORS OR CREW IS THE RESPONSIBILITY OF THE CONTRACTOR. DRAWING LIST

SHEET NAME

A000 TITLE SHEET FLOOR PLANS & ELEVATIONS

517 boston post rd suite #30 sudbury, ma 01776 p: 508.500.4730 www.s47a.com

PROJECT: **Brooklyn Bagel** Factory Retail Fit-Up 168 Hampshire Street

Cambridge MA 02139

CLIENT:

Cafe Spice MIT, Inc

Cambridge, MA 02142

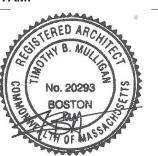
PROJECT TEAM:

REVISIONS:

DRAWING TITLE:

TITLE SHEET

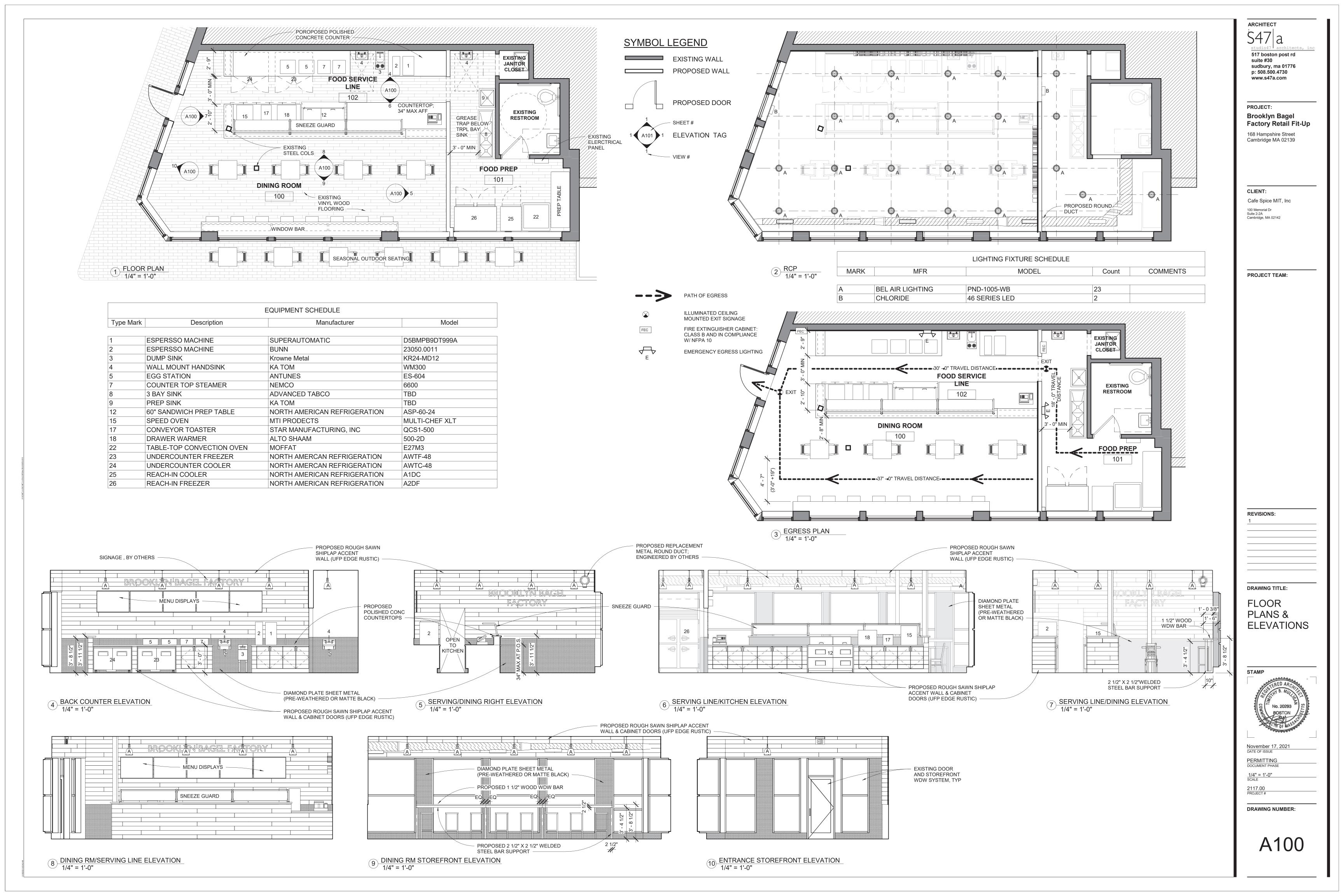
STAMP

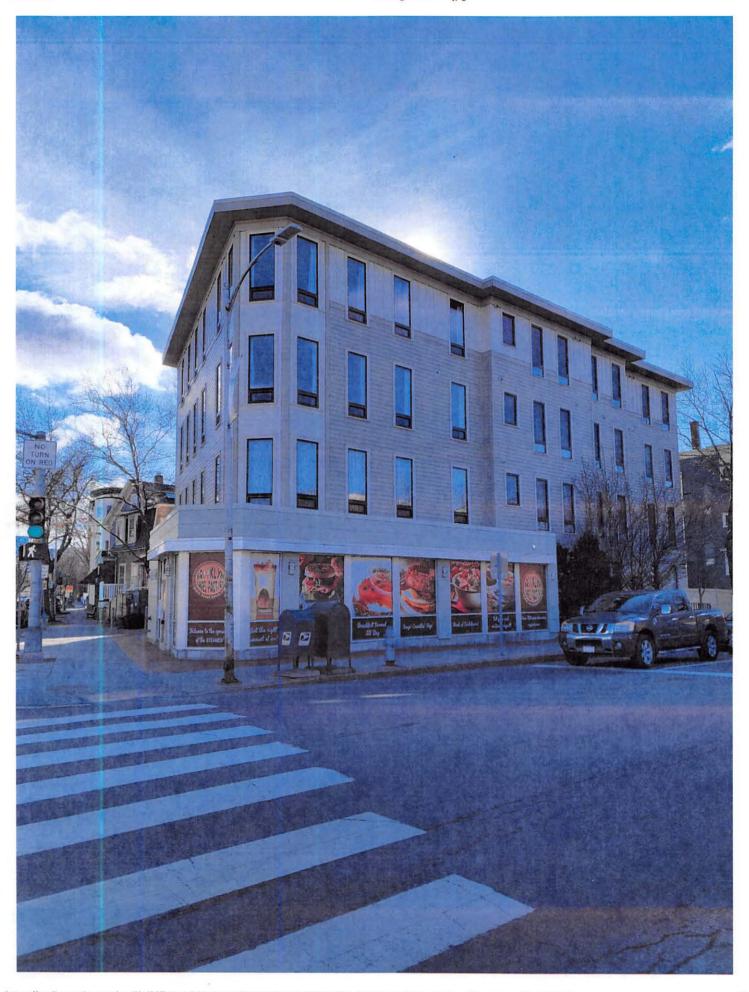


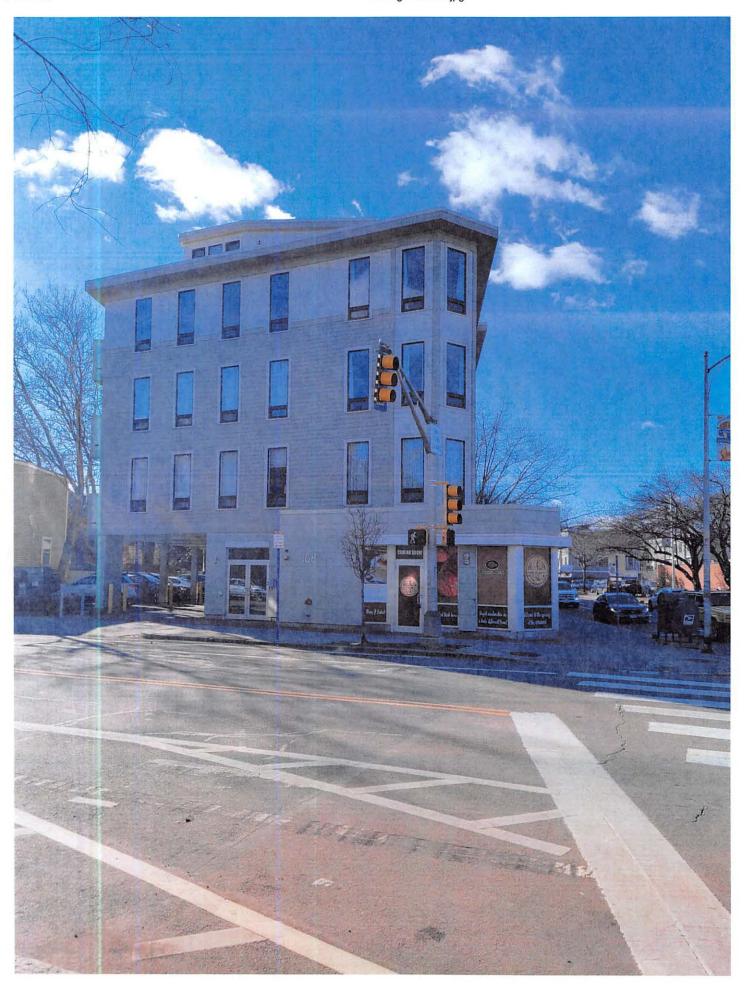
November 17, 2021

As indicated

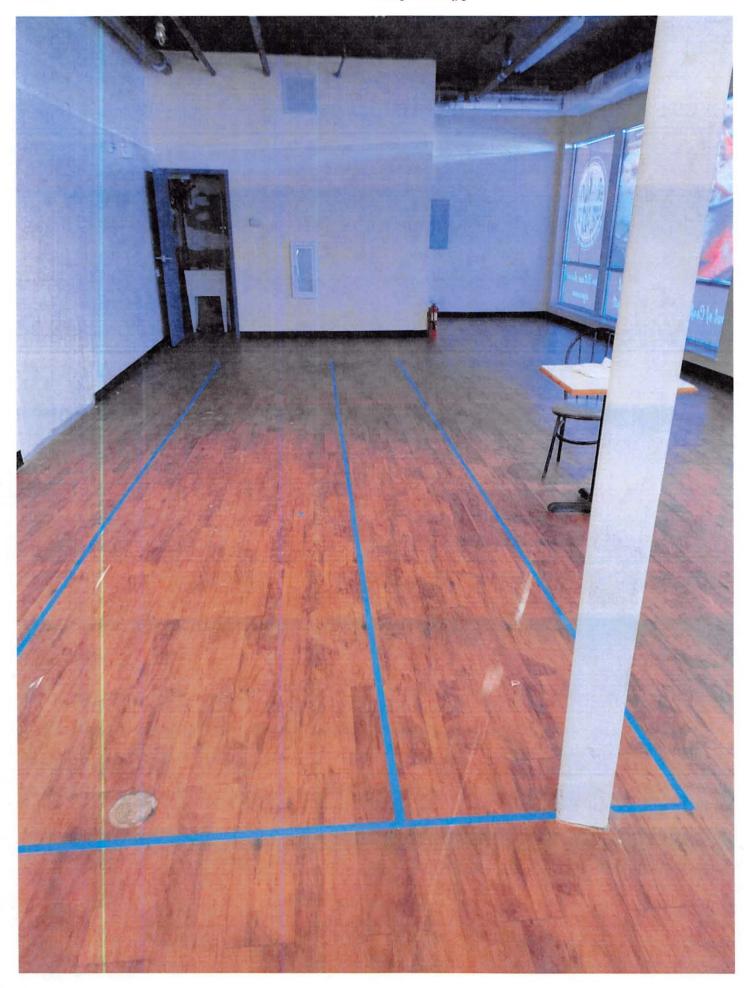
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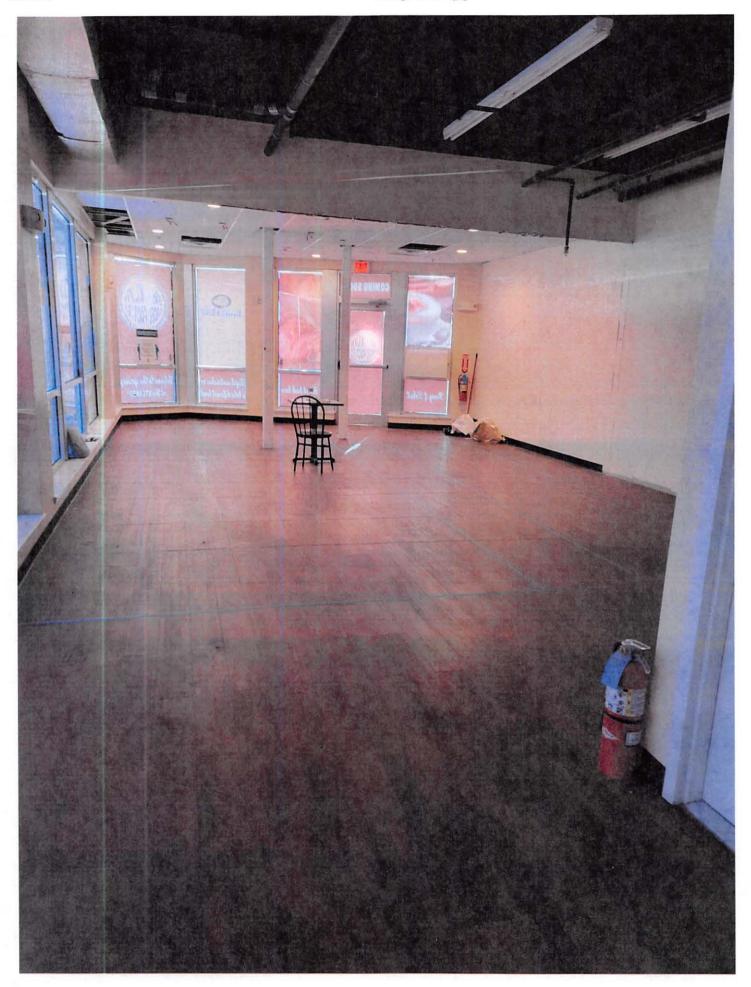












168 Hampshire & 193 Hampshire St 84-98 84-106 84-56 193-A Hampshire St⁸⁴⁻⁹⁹ 84-57 189 Hampshire St 310 Prospect St 84-100 299 Prospect St 187 Hampshire St 84-88 84-101 84-12 306 Prospect St 110-21 84-89 187 Hampshire St 304 Prospect St 190 Hampshire St 84-36 84-95 300 Prospect St 84-35 84-85 84-96 154 Amory St 110-53 19 Carlisle St Carlisle St 186 Hampshire St 287 Prospect St 110-52 84-33 294 Prospect St 22 Carlisle St 110-55 84-40 20 Carlisle St18 Carlisle St 14 Carlisle St 186-1/2 Hampshire St 110-51 290 Prospect St 292 Prospect St 84-53 84-41 288 Prospect St 84-42 275 Prospect St 84-52 110-48 ROAD 84-43 110-91 173 Hampshire St 84-51 171 Hampshire St @ 84/93 84-69 168 Hampshire St 110-61 259 Prospect St 110-47 167 Hampshire St 84-70 165 Hampshire St 166 Hampshire St 164-A Hampshire St 87-37 164 Hampshire St 37-39 163 Hampshire St 110-104 161 Hampshire St 87-40 3 Murdock St 159 Hampshire St 258 Prospect St 162 Hampshire St 251 Prospect St 254 Prospect St 87-35 87-41 158 Hampshire St 7 Muraock St 9 Murdack St 87-148 110-63 87-42 156 Hampshire St 247 Prospect St 254 Prospect S 87-139 87-34 87-140 49 Tremont St 10 Murdock St87-147 244 Prospect St 110-65 87-55 87-138 47/Tremont St 87-45 87-32 15 Murdock St 87-5387-54 87-59 87-133 87-86 87-152

168 Haryshie St.

87-40 MOZAYENI, CYRUS DAVID & SUSAN XU LUO 75 SCOTCH PINE RD WESTON, MA 02493

84-51 NORTHEASTERN CONFERENCE CORPORATION OF SEVENTH DAY ADVENTISTS 115-50 MERRICK BLVD JAMAICA, NY 11434-1896

87-40 HUDSON, LINDA 3 MURDOCK ST CAMBRIDGE, MA 02139

87-42 GRANGER, DAVID M. & CHRISTINE M. FOOT TRUSTEES OF THE 9 MURDOCK ST NOM REALTY 96 BLAKELY ROAD MEDFORD, MA 02155

84-85 JOES KWIK MARTS MA LLC 645 W HAMILTON ST - STE 400 ALLENTOWN, PA 18101

87-35 258 PROSPECT LLC 228 PARK AVE S PMB 35567 NEW YORK, NY 10003-1502 87-34 ROSATI, ROBERT C., TR. OF PROSPECT STREET REALTY TRUST 254 PROSPECT ST. CAMBRIDGE, MA 02139-1219

84-69 CASSIN LLC C/O NCP MANAGEMENT CO. PO BOX 590179 NEWTON, MA 02459

87-39 MESSOM, CHARLES H. JR. & NANCY LEE MESSOM 166 HAMPSHIRE ST CAMBRIDGE, MA 02139-1305

110-61 CAMBRIDGE ELECTRIC LIGHT CO C/O NSTAR ELECTRIC CO PROPERTY TAX DEPT, P.O. BOX 270 HARTFORD, CT 06141-0270

84-52 BREENHAP PROPERTIES CORP 907 MASSACHUSETTS AVE CAMBRIDGE, MA 02139

87-40 WEEKS, BENJAMIN 3 MURDOCK ST., #1 CAMBRIDGE, MA 02139 PAUL RUNGTA OF BROOKLYN BAGEL FACTORY 114 MAGAZNE STREET CAMBRIDGE, MA 02139

87-37 BERKMAR LLC C/O NCP MANAGEMENT CO PO BOX 590179 NEWTON CENTER, MA 02459

87-40 YANGDON, RIGZIN TRUSTEE OF SY NOMINEE TRUST 2353 MASS AVE #66 CAMBRIDGE, MA 02140

110-91 ZTKR MANAGEMENT LLC, 27 HUCKLEBERRY HILL LINCOLN, MA 01773

87-41 KOHMAN BRYNNE C & RICHARD E TRS 7 MURDOCK ST CAMBRIDGE, MA 02139

From:

Andrew Groh <agroh@yahoo.com>

Sent:

Monday, February 21, 2022 12:57 PM

To:

Singanayagam, Ranjit; Ratay, Olivia; Pacheco, Maria

Subject:

Zoning relief for bagel factory on hampshire street

I live on Columbia street in cambridge and am writing to support zoning relief for the bagel factory. It with be a wonderful addition to the neighborhood and I and many of my neighbors have been looking forward to it. Please approve the relief they need as soon as possible

Andrew Groh
306 Columbia st

Sent from my iPhone

From:

Allan Sadun <aesadun@alum.mit.edu>

Sent:

Monday, February 21, 2022 12:13 AM

To:

Pacheco, Maria

Subject:

BZA-159906

Dear BZA members,

I live 1500 feet from the proposed bagel place and I support allowing it to open. My understanding is that as-of-right the space must be a fast food establishment. I would like to assure you that when the bagel place opens, I will make those bagels disappear so fast you won't even know they were there to begin with.

Best regards, Allan Sadun 24 Union St

From:

Shane Woolley <shwoolley@gmail.com>

Sent:

Sunday, February 20, 2022 11:13 PM

To:

Pacheco, Maria

Subject:

BZA-159906

Dear Zoning Board of Appeals,

Please approve the special permit for Brooklyn Bagel Factory. Mid-Cambridge languishes in an inhospitable bagel desert. So many of my friends are moving to New York and I can't blame them. Stop the bagel drain now. Approve the permit and get this city moving again.

Thank you,

Shane Woolley Inman Square

From:

Alex Wang <awswim@gmail.com>

Sent:

Sunday, February 20, 2022 1:36 PM

To:

Pacheco, Maria

Subject:

Board of Zoning Appeal BZA-159906

Hello,

I'm writing in support of the petition BZA-159906 for a bagel shop at 168 Hampshire St. I live a couple blocks away and used to go to the KFC that was at this address over 10 years ago. I would be happy to see another food service location here.

The location has been disappointingly vacant for several years now after the previous dry cleaning business closed. I am excited to see that someone local wants to fill that location with a new business.

I look forward to walking to Brooklyn Bagel Factory for breakfast in the near future!

Alex Wang 45 Market St.