	CITY OF CAMBRIDGE MASSACHUSETTS BOARD OF ZONING APPEAL 831 MASSACHUSETTS AVENUE CAMBRIDGE, MA 02139 617 349-6100 2018 SEP 14 AM 10: 42 BZA APPLICATION FORM GENERAL INFORMATION						
The undersigned hereby petitio	ns the Board of Zoning Appeal for the following:						
Special Permit :	Variance : Appeal :						
PETITIONER: The Veggi	e Grill, Inc C/O Andrew Upton, Esq.						
PETITIONER'S ADDRESS: Six Beacon Street, Suite 700 Boston, MA 02108							
LOCATION OF PROPERTY :	OPERTY: 84 Winthrop St Cambridge, MA 02138						
TYPE OF OCCUPANCY :	ZONING DISTRICT :						
REASON FOR PETITION :							
Other:	SP for Quick Serve Portion of Restaurant						
DESCRIPTION OF PETITIONER	S PROPOSAL :						
To operate a fast order	food establishment.						
SECTIONS OF ZONING ORDINA							
Article 4.000	Section 4.35.0 (Fast Order Food Establishment).						
Article 11.000	n 11.30 & 11.31 (Fast Order Food Establishment).						

Article 10.000 Section 10.40 (Special Permit).

Original Signature(s) :
(Petitioner(s) / Owner)
JEFF Russeu Dir of Development
(Print Name)

(Print Name)

Address :	Veggie Grill World HQ 2800 28th St. Suite 302
Tel. No. :	Santa Monica, CA 90405
E-Mail Address :	424.387.3698
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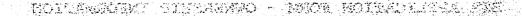
Date: 9/12/18

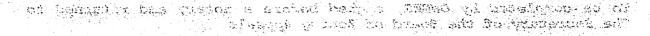
BZA APPLICATION FORM - OWNERSHIP INFORMATION

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

Key Dhancle I/We (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. *Pursuant to a deed of duly recorded in the date July 10, 1987, Middlesex South County Registry of Deeds at Book _28824 984 , Page ; or Middlesex Registry District of Land Court, Certificate No._ Book _____ Page STGNATURE RV OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT* *Written evidence of Agent's standing to represent petitioner may be requested. Commonwealth of Massachusetts, County of ______ The above-name Kall ____ personally appeared before me, this 25 of August 20 18, and made oath that the above statement is true. Notary KAITLEN M. MOYNAHAN My commission expires (Notary Set Notary Public, Commonwealin of Massachusetts My Commission Expires October 12, 2018

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







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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:

 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.
 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 in 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 times 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.

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT: Dincola, Seligson & Upton, LLP PRESENT USE/OCCUPANCY: Restaurant						
LOCATION: 84 Wint	hrop St Cambr	idge, MA 02138	ZONE :	<u></u>		
PHONE: REQUESTED USE/OCCUPANCY: Restaurant						
		<u>EXISTING</u> CONDITIONS	<u>REQUESTED</u> CONDITIONS	<u>ORDINANCE</u> <u>REQUIREMENTS</u>	1	
TOTAL GROSS FLOOR AREA:		N/A	N/A	N/A	(max.)	
LOT AREA:		0	0	0	(min.)	
RATIO OF GROSS FLOOR AREA TO LOT AREA: 2		0	0	0	(max.)	
LOT AREA FOR EACH DWELLING UNIT:		0	0	0	(min.)	
SIZE OF LOT:	WIDTH	0	0	0	(min.)	
	DEPTH	0	0	00		
SETBACKS IN FEET:	FRONT	00	0	0	(min.)	
	REAR	0	0	0	(min.)	
SIZE OF BLDG.:	LEFT SIDE	0	0	00	(min.)	
	RIGHT SIDE	0	0	00	(min.)	
	HEIGHT	0	0	0	(max.)	
	LENGTH	00	0	0		
	WIDTH	0	0	00		
RATIO OF USABLE OPEN SPACE TO LOT AREA:		00	0	0	(min.)	
NO. OF DWELLING UNITS:		0	0	00	(max.)	
NO. OF PARKING SPACES:		00	0	00	(min./max)	
NO. OF LOADING AREAS:		0	0	0	(min.)	
DISTANCE TO NEAREST BLDG. ON SAME LOT:		0	0	00	(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

- 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'.



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139 Telephone: 617 349 4683 TTY: 617 349 6112 E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/Historic

Bruce A. Irving, Chair; Susannah Barton Tobin, Vice Chair; Charles M. Sullivan, Executive Director William G. Barry, Jr., Robert G. Crocker, Joseph V. Ferrara, Chandra Harrington, Jo M. Solet, Members Gavin W. Kleespies, Paula A. Paris, Kyle Sheffield, Alternates

Jurisdiction Advice

To the Owner of Property at 84 Winthrop Street

The above-referenced property is subject to the jurisdiction of the Cambridge Historical Commission (CHC) by reason of the status referenced below:

- __ Old Cambridge Historic District
- ___ Fort Washington Historic District
 - (M.G.L. Ch. 40C, City Code §2.78.050)
- ___ Avon Hill Neighborhood Conservation District
- ____ Half Crown Marsh Neighborhood Conservation District
- **X** Harvard Square Conservation District
- Exterior alterations such as signs and storefront glazing will be subject to review, but this application is for fast food use. Historical does not review use.
- ___ Mid Cambridge Neighborhood Conservation District
- ___ Designated Landmark
- Property is being studied for designation:
 - (City Code, Ch. 2.78., Article III, and various City Council Orders)
- ___ Preservation Restriction or Easement (as recorded)
- ____Structure is fifty years or more old and therefore subject to CHC review of any application for a demolition permit, if one is required by ISD. (City Code, Ch. 2.78, Article II). See the back of this page for definition of demolition.
- No jurisdiction: not a designated historic property and the structure is less than fifty years old.
- ____ No local jurisdiction, but the property is listed on the National Register of Historic Places; CHC staff is available for consultation, upon request. Staff comments:

The Board of Zoning Appeal advises applicants to complete Historical Commission or Neighborhood Conservation District Commission reviews before appearing before the Board.

If a line indicating possible jurisdiction is checked, the owner needs to consult with the staff of the Historical Commission to determine whether a hearing will be required.

CHC staff initials <u>SLB</u>

Received by Uploaded to Energov Relationship to project BZA 17013-2018 Date September 11, 2018

Date September 11, 2018

cc: Applicant Inspectional Services Commissioner

Demolition Delay Ordinance and Application Information

The Demolition Delay Ordinance (Chapter 2.78, Article II of the Cambridge Municipal Code) was adopted by the City Council in 1979 to afford public review of demolition permit applications for potentially significant buildings. When the Historical Commission determines that a building is significant and should be preserved, demolition will be delayed for up to six months so that solutions can be sought to preserve the building indefinitely. The Ordinance covers all buildings over 50 years old, city-wide. The Historical Commission archives provide dates of construction for all properties in the City.

Demolition is defined in the ordinance as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." The Inspectional Services Commissioner has provided further guidelines to outline what actions require a demolition permit. In addition to complete demolition of a building, the following actions may require a demolition permit,

- removal of a roof,
- removal of one side of a building,
- gutting of a building's interior to the point where exterior features (windows, etc.) are impacted, and
- removal of more than 25% of a structure.

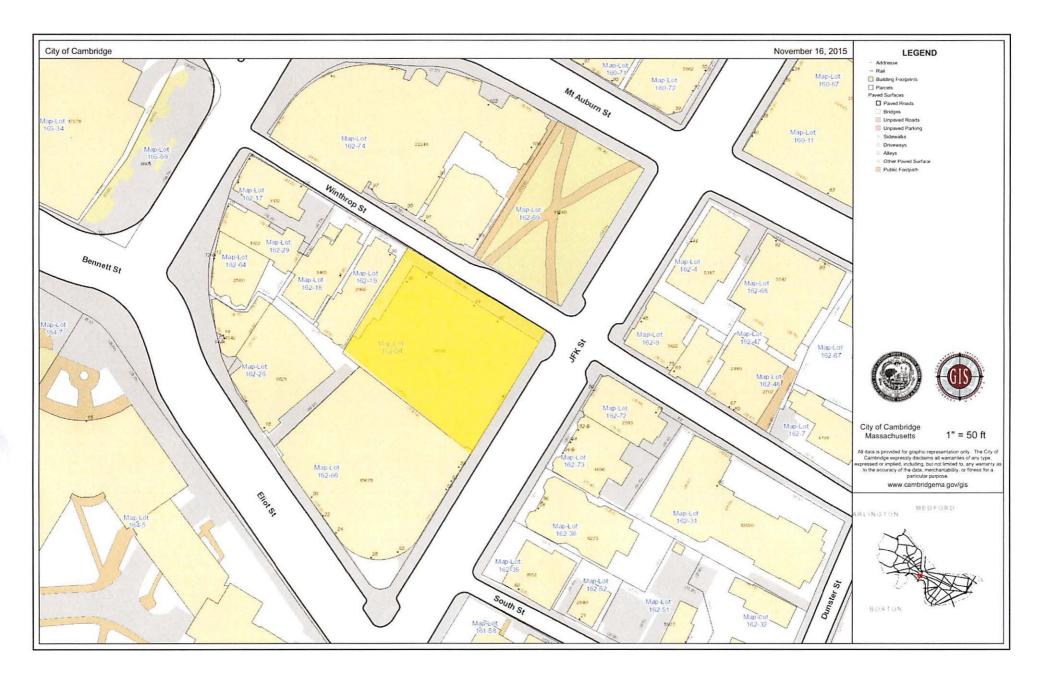
Please contact the building inspector or a staff member of the Historical Commission if you have questions about whether a demolition permit is required for a particular project.

Demolition permit applications can be obtained from the Inspectional Services Department. The completed application should be submitted to the Historical Commission, where the staff will review the application. If the Executive Director of the Historical Commission makes an initial determination that the building is significant, a public hearing will be scheduled with Historical Commission. If the staff makes an initial determination that the building is not significant, the application is released for further review by the Building Commissioner.

More information about the demolition permit application procedures is available on the Historical Commission's web site or by calling or dropping by the Historical Commission office.

July 2003

Cambridge Historical Commission 831 Massachusetts Ave., 2nd Fl. Cambridge, MA 02139 Ph: 617/349-4683 or TTY: 617/349-6112 http://www.cambridgema.gov/Historic





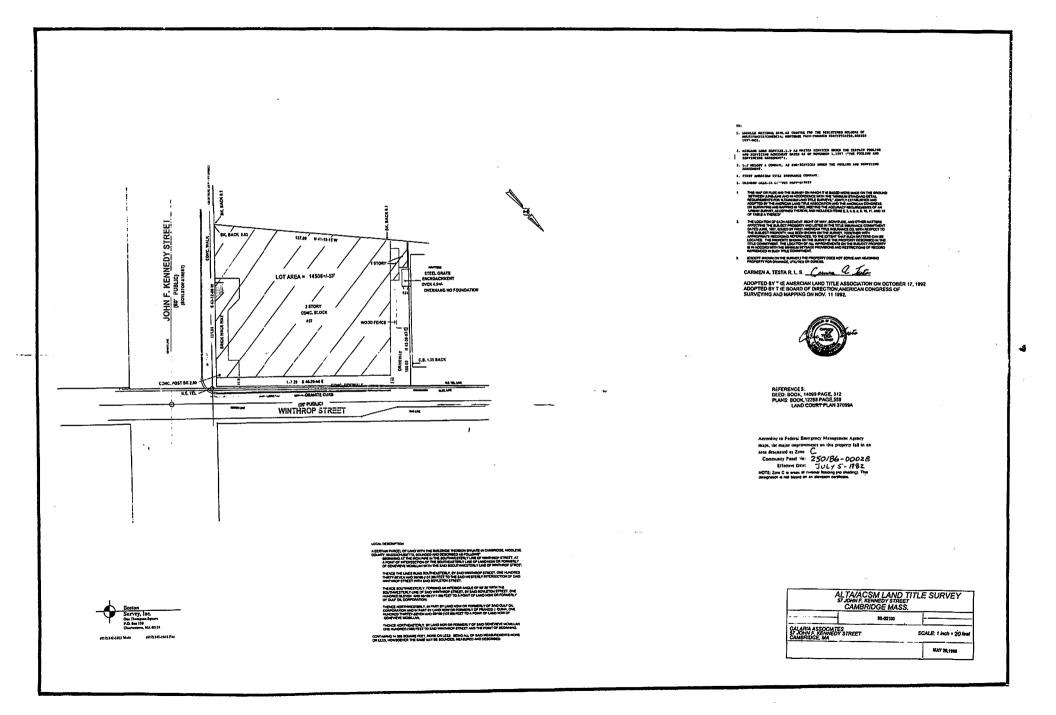


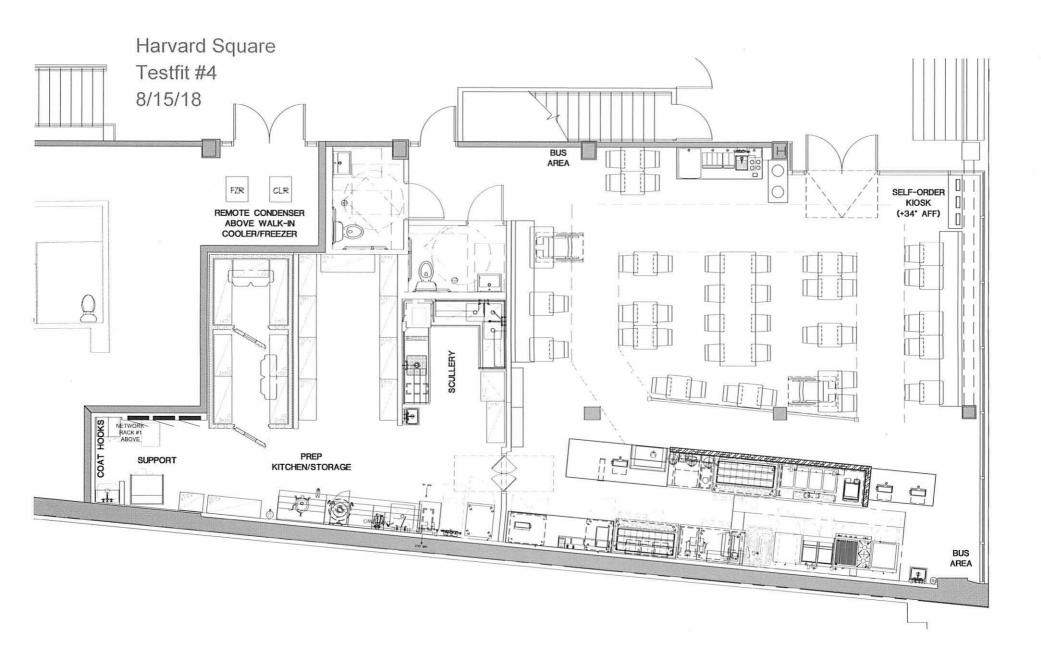




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architecture + planning



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

Cambridge, MA 02138 84 Winthrop St (aka 57 JFK)



Fig 3 – View of the proposed

space from JFK Street.



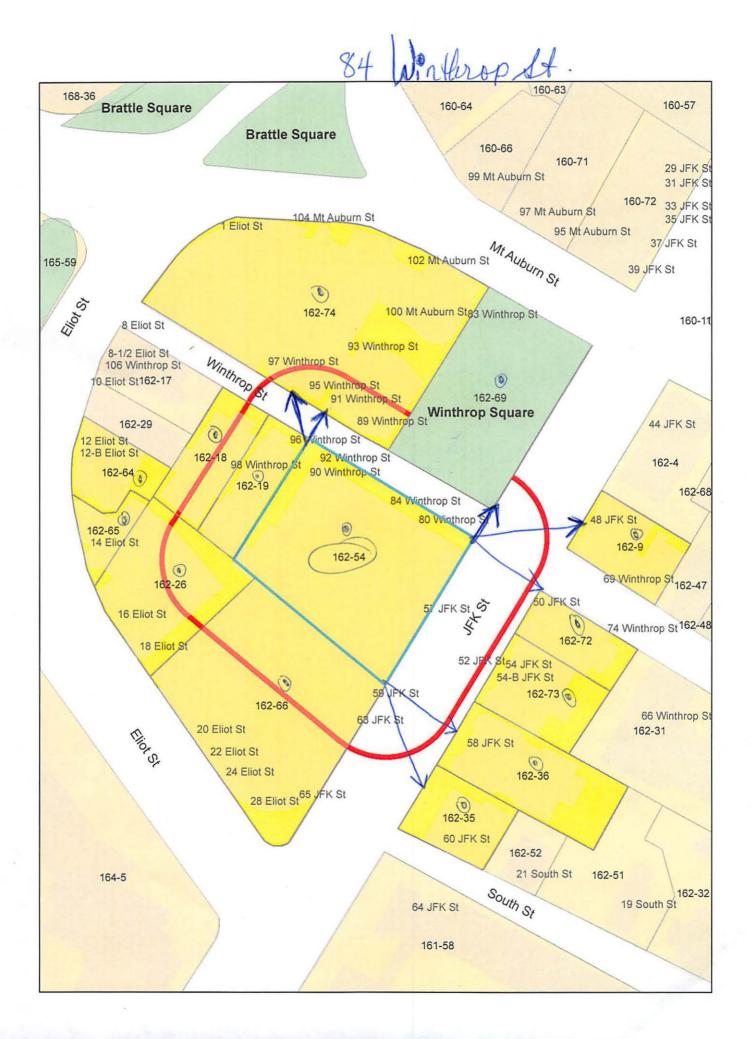
Fig 4 – View of walk from parking garage toward Galeria



Fig 5 – Main storefront



Fig 6 – Storefront adjacent to staples.



162-9 TARTARIAN, LLC 1188 CENTRE ST. NEWTON, MA 02459

162-26 CHARLES RIVER HOLDINGS LLC, 1299 BEACON ST BROOKLINE, MA 02446

162-54 CRIMSON GALERIA LIMITED PARTNERSHIP C/O RAJ DHANDA 1299 BEACON STREET BROOKLINE, MA 02446

162-66 DI GIOVANNI, LOUIS F. TR. OF KENNEDY AND ELIOT REALTY TRUST P.O. BOX 380212 CAMBRIDGE, MA 02238

162-73 HARVARD SQUARE HOLDINGS LLC. 1299 BEACON ST BROOKLINE, MA 02446

162-19 RAJ & RAJ LLC, NEENA'S DESIGN LIGHTING, LTD C/O RAJ DHANDA 1299 BEACON ST BROOKLINE, MA 02446

162-74 BORDEN, PHILIP A. & CATHERINE J. TURCO 95 WINTHROP ST., #WSR7 CAMBRIDGE, MA 02138

162-74 HUEBNER, ALEXANDRA 93 WINTHROP ST. UNIT#5A CAMBRIDGE, MA 02138

84 hanthrop St.

162-18 TIMBUKTU REAL ESTATE LLC 10 ELIOT ST CAMBRIDGE, MA 02138

162-35 PRESIDENT & FELLOWS OF HARVARD COLLEGE C/O HARVARD REAL ESTATE, INC. HOLYOKE CENTER,ROOM 1000 1350 MASSACHUSETTS AVE CAMBRIDGE, MA 02138

162-64-65 THE R B FAMILY LIMITED PARTNERSHIP C/O THE BANKER REAL ESTATE COMPANY 14A ELIOT ST CAMBRIDGE, MA 02138

162-69 CAMBRIDGE CITY OF PWD 147 HAMPSHIRE ST CAMBRIDGE, MA 02139

162-74 ELIOT SQUARE ENTERPRISES INC., TR. ELIOT SQUARE ENTERPRISES TRUST 1270 SOLDIERS FIELD RD BRIGHTON, MA 02135

162-74 JUNIPER ENTERPRISES LIMITED PARTNERSHIP 1270 SOLDIERS FIELD RD BRIGHTON, MA 02135

162-36 MCMILLAN, GENEVIEVE, TRUSTEE OF MC MILLAN REALTY TRUST P.O. BOX 380209 CAMBRIDGE, MA 02238

162-74 OSMENA, MARIA VICTORIA R. C/O TEMPLETON & COMPANT LLP, 301 E. LAS BLVD #800 FORT LAUDERDALE, FL 33301

DINICOLA, SELIGSON & UPTON, LLP C/O ANDREW F. UPTON, ESQ. 6 BEACON STREET – SUITE 700 BOSTON, MA 02108

162-69 CITY OF CAMBRIDGE C/O LOUIS DEPASQUALE CITY MANAGER

162-69 CITY OF CAMBRIDGE C/O NANCY GLOWA CITY SOLICITOR

162-72 JANES, ROGER V., TRUSTEE THE 50 JFK STREET REALTY TRUST 351 SHOREWOOD DR EAST FALMOUTH, MA 02536

162-74 LEVITAN, SHARI A., TRUSTEE OF 93 WINTHROP NOMINEE TRUST C/O HOLLAND & KNIGHT LLP 10 ST. JAMES AVE, 11th FL. BOSTON, MA 02116

162-74 THOMPSON, JANE McC, TR. OF WINTHROP STREET 93 REALTY TRUST 93 WINTHROP ST. UNIT#WSR6 CAMBRIDGE, MA 02138

162-74 LAURELWOOD, LLC 1188 CENTRE ST. NEWTON, MA 02458