



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2025 APR 14 PM 2:10
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 1158998

General Information

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

Special Permit: X

Variance: _____

Appeal: _____

PETITIONER: BP Five CC LLC C/O James J. Rafferty

PETITIONER'S ADDRESS: 907 Massachusetts Avenue, Cambridge, MA 02139

LOCATION OF PROPERTY: 355 Main St., Cambridge, MA

TYPE OF OCCUPANCY: Quick Service Food Establishment

ZONING DISTRICT: Ames Street District / MXD

REASON FOR PETITION:

DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner seeks to operate a quick-service food establishment in space previously approved as a quick-service food establishment (Clover) in BZA Case No. 10458.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 11.000	Section: 11.30 (Quick Service Food Establishment).
Article: 14.000	Section: 14.21.3 (3) MXD (Allowable Uses).
Article: 10.000	Section: 10.40 (Special Permit).

Original
Signature(s):


(Petitioner (s) Owner)

James J. Rafferty, Attorney for Petitioner

(Print Name)

907 Massachusetts Avenue, Suite 300
Cambridge, MA 02139

Address:

Tel. No.

E-Mail Address:

617.492.4100

jrafferty@adamsrafferty.com

Date: 4/11/25

OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD

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

Naya Kendall Square, LLC

(Owner or Petitioner)

Address: c/o James J. Rafferty 907 Massachusetts Avenue, Cambridge MA 02139

Location of Premises: 5 Cambridge Center (aka 355 Main St)

the record title standing in the name of BP Five CC LLC

whose address is 800 Boylston St, Suite 1900 Boston, MA 02199
(Street) (City or Town) (State & Zip Code)

by deeds duly recorded in the Middlesex South County Registry of Deeds in

Book 48590 Page 597 and Book 70957 Page 54 or _____
Registry

District of Land Court Certificate No. _____ Book _____ Page _____

OWNER:

BP FIVE CC LLC

By: Boston Properties Limited Partnership,
its sole member and manager

By: BXP, Inc., its general partner

By: 
Name: Madeleine C. Timin
Title: SVP, Regional General Counsel

On this 31 day of March, 2025, before me, the undersigned notary public, personally appeared Madeleine C. Timin proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Kimberly E Maldment
NOTARY PUBLIC
Commonwealth of
Massachusetts
My Commission Expires
8/24/2029

Kimberly E. Maldment
Notary Public

My commission expires: 8/24/29

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 355 Main 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:

Section 14.21.3 (3) permits a Quick-Service Food Establishment use in the MXD district upon the issuance of a Special Permit, provided, as is the case with this applicant, the use is not contained within a separate structure, does not contain more than 3,000 sf, and there are not more than 15 such uses in operation within the MXD district.

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:

Traffic volumes and patterns of access and egress will be unchanged by a change in the operator of the establishment from Clover to Naya.

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 continued operation of, or the development of adjacent uses as permitted in the Zoning Ordinance would not be adversely affected by the continued operation of a quick-service food establishment at this location. To the contrary, the proposed restaurant will be an asset to the office and institutional uses located nearby.

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 operator will adhere to all health, sanitary and safety 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:

A quick-service food establishment use has been at this location since 2014 without incident or negative impact on adjacent uses. Such a use meets the active use designation for ground floor spaces in the MXD district.

***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: BP Five CC LLC

Location: 355 Main St., Cambridge, MA

Phone: 617.492.4100

Present Use/Occupancy: Quick Service Food Establishment

Zone: Ames Street District / MXD

Requested Use/Occupancy: Quick Service Food Establishment

		<u>Existing Conditions</u>		<u>Requested Conditions</u>		<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		243,426		no change		NA	(max.)
<u>LOT AREA:</u>		43,848		no change		NA	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		5.55		no change		8.0	
<u>LOT AREA OF EACH DWELLING UNIT</u>		NA		no change		NA	
<u>SIZE OF LOT:</u>	WIDTH	230		no change		NA	
	DEPTH	120		No change		NA	
<u>SETBACKS IN FEET:</u>	FRONT	0		No Change		0	
	REAR	0		No Change		0	
	LEFT SIDE	0		No Change		0	
	RIGHT SIDE	0		No Change		0	
<u>SIZE OF BUILDING:</u>	HEIGHT	150		No change		250	
	WIDTH	230		No change		NA	
	LENGTH	120		No change		NA	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		NA		No change		NA	
<u>NO. OF DWELLING UNITS:</u>		NA		No change		NA	
<u>NO. OF PARKING SPACES:</u>		0		No change		NA	
<u>NO. OF LOADING AREAS:</u>		0		No change		NA	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		NA		No change		NA	

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.:

NA

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'.



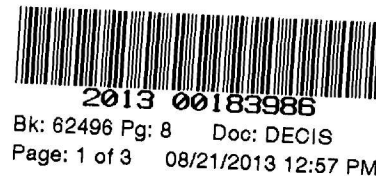
City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA

(617) 349-6100 2013 JUL 30 AM 11 36



Bk: 62496 Pg: 8 Doc: DECIS
Page: 1 of 3 08/21/2013 12:57 PM

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: 10458

LOCATION: 5 Cambridge Center
Cambridge, MA

MXD District

owner

BP FIVE CC LLC

PETITIONER: Clover Fast Food Inc. – Ayr Muir
C/o Kelly Rodriguez, Paralegal

48596-597

PETITION: Special Permit: To operate a fast order food restaurant at 5 Cambridge Center.

VIOLATION: Art. 4.000, Sec. 4.35.0 & Art. 11.000, Sec. 11.30 (Fast Order Food Establishment). Art. 10.000, Sec. 10.40 (Special Permit).

DATE OF PUBLIC NOTICE: June 13 & 20, 2013

DATE OF PUBLIC HEARING: June 27, 2013

MEMBERS OF THE BOARD:

CONSTANTINE ALEXANDER – CHAIR
TIMOTHY HUGHES – VICE-CHAIR
BRENDAN SULLIVAN
THOMAS SCOTT
JANET O. GREEN

✓
✓
✓
✓
✓

ASSOCIATE MEMBERS:

DOUGLAS MYERS
SLATER W. ANDERSON
LINDSEY T. THORNE-BINGHAM
ANDREA A. HICKEY
KEVIN C. McAVEY

✓

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

Case No. 10458
Location: 5 Cambridge Center
Petitioner: Clover Fast Food Inc. c/o Kelly Rodriguez

On June 27, 2013, Petitioner's agent Ayr Muir appeared before the Board of Zoning Appeal requesting a special permit in order to operate a fast order food restaurant. The Petitioner requested relief from Article 4, Section 4.35.o of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioner submitted application materials including information about the project, plans, and photographs.

Mr. Muir stated that he wished to open his third Cambridge based fast order food establishment. He stated that the restaurant was vegetarian and largely locally and organically sourced. He stated that his trade would be mostly walk in, serving neighborhood offices and residents. He stated that he worked to keep his trash at a minimum, composted most of it, and had ready receptacles. He stated no changes would be made to the exterior of the building. He stated that the restaurant would be accessible.

Many people wrote or spoke in favor of the proposal.


After discussion, the Chair moved that the Board grant the special permit for relief in order to operate a fast order food restaurant based on the finding that the Petitioner met all of the requirements set forth in Article 11, Section 11.30 of the Ordinance. The Chair moved that the Board find that patterns of access or egress would not cause congestion, hazard, or substantial change in established neighborhood character. The Chair moved that the Board find that the continued operation of adjacent uses would not be adversely affected by the nature of the proposed use. The Chair moved that the Board find that no nuisance or hazard would be created to the detriment of the health, safety, and welfare of the occupant or the citizens of the city. The Chair moved that the Board find that the proposed use would not impair the integrity of the district or otherwise derogate from the intent and purpose of the Ordinance. The Chair moved that the Board note the unanimous community support from both city officials and private citizens and that the proposed restaurant was consistent with the city's policies in terms of the further development of Kendall Square. The Chair moved that the Board find that the Petitioner had operated other fast order food establishments in Cambridge consistent with the requirements of the Ordinance. The Chair moved that the Board grant the Special Permit to operate fast order food establishment at 5 Cambridge Center.

The five member Board voted unanimously in favor of granting the special permit (Alexander, Hughes, Scott, Green, and Hickey). Therefore, the special permit is granted.

The Board based its decision upon all the information presented, the above findings and upon the following:

- 1) The meeting of the requirements of the Ordinance;
- 2) Traffic generated or patterns of access or egress would not cause congestion, hazard, or substantial change in the established neighborhood character;
- 3) The continued operation of or the development of adjacent uses as permitted in the Ordinance would not be adversely affected by the nature of the proposed uses;
- 4) Nuisance or hazard would not be created to the detriment of the health, safety and /or welfare of the occupants of the proposed use;
- 5) The proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the Ordinance, and in fact would be a significant improvement to the structure and benefit the neighborhood, and;
- 6) The new use or building construction is not inconsistent with the Urban Design Objectives set forth in Section 19.30 of the Cambridge Zoning Ordinance.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulations of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.



Constantine Alexander, Chair

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 7/30/13 by Maria Deschero, Clerk.

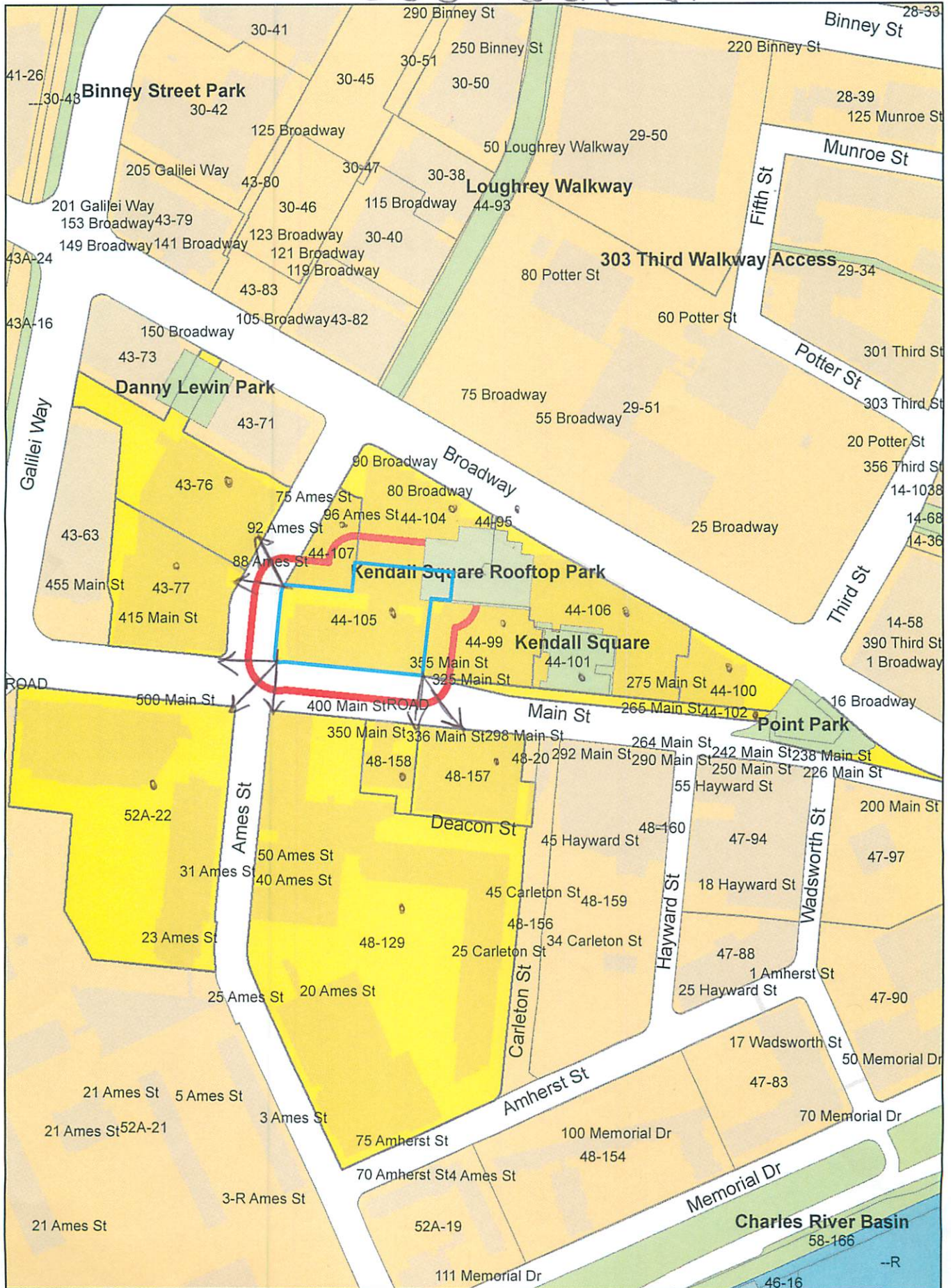
Twenty days have elapsed since the filing of this decision.

No appeal has been filed ☒.

Appeal has been filed and dismissed or denied.

Date August 21, 2013 Donna P. Lopez City Clerk.

355 Main St.



355 Main St.

Petitioner

44-102
CAMBRIDGE REDEVELOPMENT AUTHORITY
255 MAIN ST 4TH FLOOR
CAMBRIDGE, MA 02142

48-157/48-129 – 52A-22
MASSACHUSETTS INSTITUTE OF TECHNOLOGY
C/O MIT INVESTMENT MGMT CO
ONE BROADWAY, 9TH FL, SUITE 200
CAMBRIDGE, MA 02142

JAMES J. RAFFERTY, ESQ.
907 MASS AVENUE – SUITE 300
CAMBRIDGE, MA 02139

44-106
ZUCKERMAN, MORTIMER B.,
EDWARD H. LINDE & DAVID BARRETT, TRS.
C/O BOSTON PROPERTIES INC
800 BOYLSTON ST., SUITE 1900
BOSTON, MA 02199

44-101
BOSTON PROPERTIES LIMITED PARTNESHIP
C/O BOSTON PROPERTIES INC.
800 BOYSLTON ST., SUITE 1900
BOSTON, MA 02199

44-105
BP FIVE CC LLC,
C/O BOSTON PROPERTIES LP
800 BOYLSTON ST SUITE 1900
BOSTON, MA 02199

44-104
BP FOUR CC LLC, C/O BOSTON PROPERTIES
LIMITED PARTNERSHIP
800 BOYLSTON ST SUITE 1900
BOSTON, MA 02199

44-100
BARRETT, DAVID, EDWARD H. LINDE ET-AL
C/O BOSTON PROPERTIES INC
800 BOYLSTON ST SUITE 1900
BOSTON, MA 02199

44-99
BXP 325 MAIN LLC
800 BOYLSTON ST – SUITE 1900
BOSTON, MA 02199

43-77
MIT 415 MAIN STREET FEE OWNER LLC
C/O MIT INVESTMENT MGMT CO
ONE BROADWAY 9TH FL. SUITE 200
CAMBRIDGE, MA 02142

44-107
BP FOUR CC LLC
C/O MARVIN F. POER & CO
800 BOYLSTON ST SUITE 1900
BOSTON, MA 02199

43-76
THE BROAD INSTITUTE, INC
415 MAIN ST
CAMBRIDGE, MA 02142

43-76
CAMBRIDGE CENTER WEST GARAGE, LLC
C/O BOSTON PROPERTIES
800 BOYLSTON ST SUITE 1900
BOSTON, MA 02199

44-95
BBP EAST GARAGE LLC
800 BOYLSTON ST – SUITE 1900
BOSTON, MA 02199

48-158
MIT 350 MAIN STREET FEE OWNER LLC
ONE BROADWAY 9TH FL STE 200
CAMBRIDGE, MA 02142