

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

SPECIAL PERMIT APPLICATION • COVER SHEET

In accordance with the requirements of the City of Cambridge Zoning Ordinance, the undersigned hereby petitions the Planning Board for one or more Special Permits for the premises indicated below.

Location of Premises: 599 Massachusetts Avenue

Zoning District: Business B Zoning District; Central Square Overlay District

Applicant Name: Santander Bank, N.A. c/o Dennis A. Quilty, Esq.

Applicant Address: 28 State Street, Suite 802, Boston, MA 02109

Contact Information: 617-946-4600 dqilty@mqmlp.com 617-946-4624

Telephone # Email Address Fax #

List all requested special permit(s) (with reference to zoning section numbers) below. *Note that the Applicant is responsible for seeking all necessary special permits for the project. A special permit cannot be granted if it is not specifically requested in the Application.*

Special Permit (Formula Business) - Section 20.304.5.4 Cambridge Zoning Ordinance
Special Permit (Restricted Use, Bank Frontage) - Section 20.304.5.3.b Cambridge Zoning Ordinance

List all submitted materials (include document titles and volume numbers where applicable) below.

Full Proposed Building/Floor Plan, Colorized Sign Plan, Existing Conditions Survey, Project Narrative & Zoning Analysis

Signature of Applicant: _____

For the Planning Board, this application has been received by the Community Development Department (CDD) on the date specified below:

Date

Signature of CDD Staff

OWNERSHIP CERTIFICATE

Project Address: 599 Massachusetts Avenue, Cambridge, MA 02139

Application Date:

This form is to be completed by the property owner, signed, and submitted with the Special Permit Application:

I hereby authorize the following Applicant: Santander Bank, N.A.
at the following address: 824 No. Market Street, Wilmington, DE 19801
to apply for a special permit for: Formula Business, FAR
on premises located at: 599 Massachusetts Avenue, Cambridge, MA 02139
for which the record title stands in the name of: 3MJ Associates, LLC
whose address is: 585 Massachusetts Avenue, Cambridge, MA 02139

by a deed duly recorded in the:

Registry of Deeds of County: Middlesex South Book: 45765 Page: 147

OR Registry District of the Land Court,
Certificate No.:

Book: Page:

M. M. Naggar, MANAGER

Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify) Morris M. Naggar, Manager

To be completed by Notary Public:

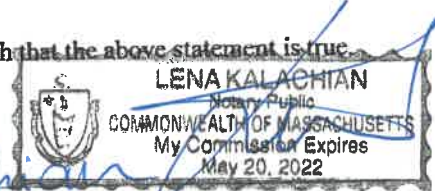
Commonwealth of Massachusetts, County of Middlesex

The above named Morris M. Naggar personally appeared before me,

on the month, day and year June 4, 2019 and made oath that the above statement is true.

Notary:

Lena Kalachian



My Commission expires:

May 20, 2022

FEE SCHEDULE

Project Address: 599 Massachusetts Avenue, Cambridge,
MA 02139

Application Date:

The Applicant must provide the full fee (by check or money order) with the Special Permit Application. Depending on the nature of the proposed project and the types of Special Permit being sought, the required fee is the larger of the following amounts:

- If the proposed project includes the creation of new or substantially rehabilitated floor area, or a change of use subject to Section 19.20, the fee is ten cents (\$0.10) per square foot of total proposed Gross Floor Area.
- If a Flood Plain Special Permit is being sought as part of the Application, the fee is one thousand dollars (\$1,000.00), unless the amount determined above is greater.
- In any case, the minimum fee is one hundred fifty dollars (\$150.00).

Fee Calculation

New or Substantially Rehabilitated Gross Floor Area (SF):	2,214	× \$0.10 =	\$224.10
Flood Plain Special Permit	Enter \$1,000.00 if applicable:		N/A
Other Special Permit	Enter \$150.00 if no other fee is applicable:		\$150.00
TOTAL SPECIAL PERMIT FEE	Enter Larger of the Above Amounts: \$224.10		

DIMENSIONAL FORM

Project Address: 599 Massachusetts Avenue

Application Date:

	Existing	Allowed or Required (max/min)	Proposed	Permitted
Lot Area (sq ft)	2,241sf (Usable)		2,241sf (Usable)	
Lot Width (ft)	27'-10 3/4"		27'-10 3/4"	
Total Gross Floor Area (sq ft)	2,718sf (Gross)		2,718sf (Gross)	
Residential Base	None		None	
Non-Residential Base	6,723sf (Gross)		6,723sf (Gross)	
Inclusionary Housing Bonus	None		None	
Total Floor Area Ratio	100% Non-Res.		100% Non-Res.	
Residential Base	0%		0%	
Non-Residential Base	100%		100%	
Inclusionary Housing Bonus	0%		0%	
Total Dwelling Units	None		None	
Base Units	None		None	
Inclusionary Bonus Units	None		None	
Base Lot Area / Unit (sq ft)	2,718sf (per fl)		2,718sf (per fl)	
Total Lot Area / Unit (sq ft)	6,723sf (Gross)		6,723sf (Gross)	
Building Height(s) (ft)	55.8ft		55.8ft	
Front Yard Setback (ft)	None		None	
Side Yard Setback (ft)	None		None	
Side Yard Setback (ft)	None		None	
Rear Yard Setback (ft)	None		None	
Open Space (% of Lot Area)	0%		0%	
Private Open Space	0sf		0sf	
Permeable Open Space	0sf		0sf	
Other Open Space (Specify)	0sf		0sf	
Off-Street Parking Spaces	0	3.4	0	
Long-Term Bicycle Parking	0	0.8	0	
Short-Term Bicycle Parking	0	1.4	0	
Loading Bays	0		0	

Use space below and/or attached pages for additional notes:

* Note: No changes proposed to existing building envelope or footprint. See Zoning Narrative & Analysis for additional details.



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

CERTIFICATION OF RECEIPT OF PLANS BY CITY OF CAMBRIDGE DEPARTMENT OF PUBLIC WORKS

City Department/Office:

Project Address: 599 Massachusetts Avenue, Cambridge, MA 02139

Applicant Name: Santander Bank, N.A.

For the purpose of fulfilling the requirements of Section 19.20 of the Cambridge Zoning Ordinance, this is to certify that this Department is in receipt of the application documents submitted to the Planning Board for approval of a Project Review Special Permit for the above referenced development project: (a) an application narrative and (b) small format application plans at 11" x 17" or the equivalent. The Department understands that the receipt of these documents does not obligate it to take any action related thereto.

Signature of City Department/Office Representative

Date



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

CERTIFICATION OF RECEIPT OF PLANS BY CITY OF CAMBRIDGE TRAFFIC, PARKING & TRANSPORTATION

City Department/Office:

Project Address: 599 Massachusetts Avenue, Cambridge, MA 02139

Applicant Name: Santander, N.A.

For the purpose of fulfilling the requirements of Section 19.20 and/or 6.35.1 and/or 5.28.2 of the Cambridge Zoning Ordinance, this is to certify that this Department is in receipt of the application documents submitted to the Planning Board for approval of a Project Review Special Permit for the above referenced development project: (a) an application narrative, (b) small format application plans at 11" x 17" or the equivalent and (c) Certified Traffic Study. The Department understands that the receipt of these documents does not obligate it to take any action related thereto.

Signature of City Department/Office Representative

Date



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

CERTIFICATION OF RECEIPT OF PLANS BY CITY OF CAMBRIDGE WATER DEPARTMENT

City Department/Office:

Project Address: 599 Massachusetts Avenue, Cambridge, MA 02139

Applicant Name: Santander Bank, N.A.

For the purpose of fulfilling the requirements of Section 19.20 of the Cambridge Zoning Ordinance, this is to certify that this Department is in receipt of the application documents submitted to the Planning Board for approval of a Project Review Special Permit for the above referenced development project: (a) an application narrative and (b) small format application plans at 11" x 17" or the equivalent. The Department understands that the receipt of these documents does not obligate it to take any action related thereto.

Signature of City Department/Office Representative

Date

PROJECT NARRATIVE AND ZONING ANALYSIS

The instant applicant Santander Bank, N.A. proposes to relocate an existing branch of its bank to a new location approximately one block away on the first floor of the premises located at 599 Massachusetts Avenue, Cambridge, Massachusetts 02139 (the "Proposed Bank"). The Proposed Bank shall be a downsize of the applicant's existing location in Cambridge. The premises is located within Cambridge's Business B Zoning District and the Central Square Overlay District. The Proposed Bank shall occupy approximately 2,718 square feet on the first floor of the premises, and will replace the Pay Less Shoes that previously occupied the space. As part of the build-out, the applicant shall redesign the existing interior of the premises and plans to utilize its standard color scheme, signage and logo (in keeping with Santander's other branch locations) on the exterior of the premises. There are no changes proposed to the building envelope and/or footprint, nor will there be any front-facing window treatments. A copy of the applicant's proposed floor plans and sign plans have been submitted herewith.

In order to accomplish the above, the applicant is filing for a Special Permit to (ii) authorize the operation of a Formula Business as well (ii) for relief from the Restricted Use requirements relative to bank frontage of Section 20.304.5.3.b of Cambridge's Zoning Ordinance, in Cambridge's Business B Zoning District and Central Square Overlay District.

Section 2.0 of the Cambridge Zoning Ordinance defines "Formula Business" as follows:

Formula Business. An individual Retail or Consumer Service establishment that is required by virtue of a contract, franchise agreement, ownership or other similar legal obligation to conform or substantially conform to a set of common design and operating features that served to identify the establishment as one of a group of establishments for business, marketing and public relations purposes. Specifically, an establishment shall be considered a Formula Business if it shares at least two (2) of the following three (3) characteristics with ten (10) or more other establishments in Massachusetts or within twenty (20) or more other establishments.

1. Trademark, service mark or logo; defined as a work, phrase, symbol, or design or combination thereof that identifies and distinguishes the source of the goods or services from others;
2. Standardized building architecture including but not limited to façade design and signage;
3. Standardized color scheme used throughout the exterior of the establishment, including color associated with signs and logos.

As the applicant (Santander Bank, N.A.) shares a trademark and logo, and standardized color scheme, with ten (10) or more other establishments in Massachusetts,

the applicant is seeking a Special Permit to install and use its trademark and logo, and its standardized color scheme (red), on the exterior of the building and certain areas on the interior of the premises. Elevations and plans depicting the placement of said trademarks, logos and color schemes have been submitted herewith.

Section 20.304.5.3.b of the Cambridge Zoning Ordinance also provides that in the Central Square Overlay District “no individual bank or financial institution... shall occupy more than twenty-five (25) feet of building frontage facing Massachusetts Avenue or Main Street, and no more than thirty percent (30%) of a lot’s aggregate building frontage facing one or more public streets may be occupied by such uses,” unless this restriction is waived by the Planning Board through a special permit.”

As the applicant is a financial institution and will occupy more than twenty-five (25) feet of building frontage facing Massachusetts Avenue, and more than thirty percent (30%) of the lot’s aggregate building frontage will be occupied by the applicant’s proposed use, the applicant is seeking a Special Permit for relief from said F.A.R. requirements to allow such use. The applicant will occupy 28 linear feet of building fronting Massachusetts Avenue, and will occupy more than thirty (30%) percent of the building’s frontage facing Massachusetts Avenue (the total length of building’s frontage along Massachusetts Avenue is 28 linear feet, i.e. 100% occupation of building frontage). See proposed plans and elevations submitted herewith for additional information.

It is also worth mentioning that, under the Code, the subject site located at 599 Massachusetts Avenue would ordinarily require 3.4 off-street parking spaces (1 parking space per every 800 sf – with 2,718 sf at the subject premises), 0.8 long-term bicycle parking spaces (0.3 spaces per every 1,000 sf) and 1.4 short-term bicycle parking spaces (0.5 spaces per every 1,000 sf). However, the Proposed Bank is exempt from all of said requirements as a financial institution under Sections 6.32.1 and 6.103.2.b, respectively.

COMPLIANCE WITH SPECIAL PERMIT CRITERIA

Section 10.43

Granting the Special Permits requested would not be a detriment to the public interest, in accordance with Section 10.43 of the Cambridge Zoning Ordinance, because:

- (a) It appears that requirements of this Ordinance cannot or will not be met:
 - i. The relief requested is of such a nature that the applicant, a national financial institution with many locations in both the Commonwealth of Massachusetts and nation-wide, qualifies as a Formula Business and will occupy more than twenty-five (25) feet of building frontage facing Massachusetts Avenue, and will occupy more than thirty percent (30%) of the lot’s aggregate building frontage will be occupied by Santander’s proposed use, and therefore cannot comply with the requirements of the Ordinance.

- (b) Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character:
 - i. There will be no change to the traffic patterns generated or patterns of access of egress as a result of the relief requested.
- (c) The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use:
 - i. The proposed use is entirely consistent with the surrounding retail environment and will not adversely affect the surrounding businesses.
- (d) Nuisance or hazard would 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:
 - i. No nuisance or hazard will 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 by way of the relief requested.
- (e) For other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance:
 - i. The proposed use will not impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance.
- (f) The new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30:
 - a. The proposed use is not inconsistent with the Urban Design Objectives set forth in Section 19.30.

Section 20.304.5.4

A Formula Business as defined in Section 20.304.5.4 of the Ordinance may be established in the Central Square Overlay District only after the issuance of a special permit from the Planning Board. In reviewing an application the Planning Board has taken the following into consideration for the relief requested herein:

- a. The extent to which the design of the proposal reflects, amplifies, and strengthens the established historical character of existing buildings and store fronts in Central Square.
 - i. As shown on the plans submitted herewith, the proposed use will not derogate from the character of the façade of the existing building itself, and the proposed signage will not adversely affect the character of Central Square.
- b. The extent to which the particulars of the building or storefront design is varied from the formula or standard design of the chain in order to reflect the unique

character and conditions of Central Square generally or the specific location in particular.

- i. As shown on the plans submitted herewith, the proposed use will not derogate from the character of the façade of the existing building itself, and the proposed signage will not adversely affect the character of Central Square. The existing building varies from the abutting buildings and its unique character will be preserved and will not be adversely affected by the proposed signage and/or usage.
- c. The extent to which the standard elements of the enterprise as they define it as a Formula Business are modified to respect and provide unique expressions of Central Square history and traditions as well as innovation in physical design and marketing that will distinguish the Central Square location from other locations of the Formula Business.
 - i. The applicant will respect the history of Central Square and the proposed use will not alter the character of the façade of the existing building itself, which will distinguish the applicant's Central Square branch from its other locations.

Section 20.305

In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings as relative to the relief requested herein:

1. The proposed development is consistent with the goals and objectives of the Central Square Action Plan:
 - i. The proposed use will encourage responsible and orderly development; strengthen the retail base to more completely serve the needs of the neighborhoods; preserve the Square's cultural diversity; create active people oriented spaces; improve the physical, and visual environment; provide retail establishments that serve people of diverse economic and social groups who live in the surrounding neighborhoods; and promote compatible retail adjacent to residential uses.
2. The building and site designs are consistent with "Urban Design Plan for Central Square" as outlined in the "*Central Square Action Plan*" and the "*Central Square Development Guidelines*."
3. The building and site designs adequately screen the parking provided and are sensitive to the contributing buildings in the vicinity.
4. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

5. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

COMMUNITY OUTREACH

Prior to filing the instant application, Santander Bank, N.A. has been in contact with and coordinated community outreach efforts with the Community Development Department for the City of Cambridge concerning the relief requested herein.

On April 17, 2019, Santander Bank, N.A. met with the Central Square Advisory Committee to give a presentation and discuss the relief requested herein and the Proposed Bank. The Central Square Advisory Committee has not opposed the Proposed Bank, the proposed signage, and/or the relief requested herein.

Moreover, on May 2, 2019, in coordination with the Community Development Department, Santander Bank, N.A. held a Pre-Application Community Meeting on site at its existing branch location at 515 Massachusetts Avenue, Cambridge, Massachusetts 02139. A copy of the flyer mailed by the applicant providing notice of said meeting to all applicable abutters and parties is attached hereto as Exhibit 1; and attached hereto as Exhibit 2 is a copy of all of the addresses to which said flyer was mailed by the applicant more than ten (10) days prior to said meeting. Santander Bank, N.A. did not receive any opposition to the Proposed Bank, the proposed signage, and/or the relief requested herein at the Pre-Application Community Meeting, nor did any abutters attend the meeting (with the applicant's Landlord being the only other interested party in attendance).

In addition to the foregoing, after filing the applicant shall timely comply with all other request(s) of the Community Development Department including but not limited to posting and maintaining panels on-site, and doing all other things which may reasonably be requested of the applicant by the Community Development Department and/or the Planning Board prior to the public hearing on the instant application.

EXHIBIT "A"

Pre-Application Community Engagement

PUBLIC MEETING

The Cambridge Community Development Department and Santander, N.A invite you to attend a public meeting to discuss Santander, N.A. relocating an existing branch of its bank to a new location on the first floor of the premises located at 599 Massachusetts Avenue, Cambridge, Massachusetts 02139

Where: 515 Massachusetts Avenue
Cambridge, Massachusetts 02139

When: Thursday, May 2, 2019

Time: 6:00 PM

Questions/Concerns, contact:
Dennis A. Quilty, Esq.
McDermott, Quilty & Miller LLP
dquilty@mqmlp.com
617-946-4600