



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

2019 OCT 30 PM 1:20
CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	349
Address:	599 Massachusetts Avenue
Zoning:	Business B (BB) / Central Square Overlay District
Applicant:	Santander Bank, N.A. c/o Dennis A. Quilty, Esq. 28 State Street, Suite 802, Boston, MA 02109
Owner:	3MJ Associates, LLC 585 Massachusetts Avenue, Cambridge, MA
Application Date:	July 18, 2019
Date of Planning Board Public Hearing:	August 13, 2019; September 17, 2019
Date of Planning Board Decision:	September 17, 2019
Date of Filing Planning Board Decision:	October 30, 2019
Application:	Request for special permits pursuant to Section 20.304.5.4 of the Zoning Ordinance for a formula business use and Section 20.304.5.3.b to waive the limitations on bank frontages in the Central Square Overlay District.
Decision:	GRANTED, with Conditions.

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application submitted on 7/18/2019, containing the Special Permit Cover Sheet, Dimensional Form, Ownership Certificate, Narrative, Community Outreach Summary, plan set titled Santander CC#630 Central Square, prepared by Gensler, dated 3/21/2019.
2. Presentation slides shown to Planning Board on 8/13/2019.
3. Letter to Swaathi Joseph, Zoning and Development Director, dated 8/30/2019 with plan set titled Santander – Central Square, Cambridge CC#630, prepared by Gensler, dated 07/09/2019.
4. Presentation slides shown to Planning Board on 9/17/2019.

City of Cambridge Documents

5. Memorandum to the Planning Board from Community Development Department staff, dated 8/6/2019.
6. Memorandum to the Planning Board from Community Development Department staff, dated 9/9/2019.

Other Documents

7. Letter to the Planning Board from the Central Square Advisory Committee, dated 4/30/2019.

APPLICATION SUMMARY

The Applicant proposes to establish a bank use at 599 Massachusetts Avenue affiliated with the company Santander, and proposes to install Santander's standardized signage on the exterior of the building and use its standard red color scheme on the building exterior and certain locations within the interior of the premises, which cause the establishment to fit the Cambridge Zoning Ordinance definition of a "Formula Business." The particular bank branch will be relocated from elsewhere in Central Square. The base zoning district is Business B and the parcel is located in the Central Square Overlay District. The business will occupy 2,718 square feet in the first floor of the existing building. The length of the storefront is approximately 28 feet, which exceeds the limitation of 25 feet in the Central Square Overlay District, requiring a waiver from the Planning Board. The existing building is a contributing structure within the Central Square National Register District and Cambridge Historical Commission staff has reviewed the application and provided some comments on design details.

The requested special permits are discussed in detail in the Findings below.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearings, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Special Permit for Formula Business in Central Square Overlay District (Section 20.304.5.4)

In the Central Square Overlay District, a Formula Business may be established on a lot by special permit from the Planning Board upon consideration of the following:

- 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.*
- 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.*
- 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.*

Initially, the application proposed retention of the existing storefront. But following discussion with the Board, the applicant agreed to replace the storefront to reflect the established historical character of the existing building. Aside from replacing the storefront and signs, no other alterations are proposed to the exterior façade, which retains the colors

and materials of the existing building. The proposed signage, which preserves and does not obscure the lettering for the Central Trust Company, appears to conform to the standards of Article 7.000 of the Zoning Ordinance and will be reviewed for compliance prior to issuance of a building permit.

The business will continue to serve its current customers by relocating to a smaller area in Central Square, and will fill a retail space that has been vacant for some time. The signage proposed is relatively modest in size and located in an appropriate place for patrons to identify it. The proposed wall sign is pedestrian-oriented, which is consistent with the Central Square Development Guidelines. The location, size, and color of signage is not inconsistent with the variety of signage found throughout Central Square. Following comments from the Board, the proposed wall sign location was modified from the initial application in order to avoid obstructing the historic signage on the building and the projecting banner sign also got moved to the adjacent brick area from the initially proposed pilaster location. The Board urged further consideration of improvements to the storefront design that would be more consistent with the geometry of the original building design, which was agreed to by the Applicant and is reflected in the conditions of this Special Permit Decision. For these reasons, the Board finds that the proposal meets the criteria set forth in Section 20.304.5.4.

2. Special Permit to waive limitation on bank frontage in Central Square Overlay District (Section 20.304.5.3.b)

20.304.5 Use Limitations and Restrictions. In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Central Square Overlay District:

3. *Restricted Uses.*

- b. Unless specifically waived upon the granting of a special permit by the Planning Board, no individual bank or financial institution (Section 4.34e) 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.*

The relocated bank use is proposed to occupy the entire 28-foot frontage of the existing building, which spans the entire frontage of the parcel on Massachusetts Avenue. The size of the establishment will be a reduction from its previous location in Central Square. The Board finds that the increase from the permitted 25 feet to 28 feet is insignificant in this case and conforms to the intent of the zoning by matching the conditions of the existing building.

20.305 Standards for Issuance of Special Permits. 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:

(1) The proposed development is consistent with the goals and objectives of the Central Square Action Plan:

- 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;*
- encourage the development of new mixed income housing; and*
- promote compatible retail adjacent to residential uses*

The Board finds the existing bank use to be consistent with these goals and objectives on the whole, based on the Findings made previously in this Special Permit Decision. The proposal will result in minimal change since it proposes to move an existing business that is otherwise allowed in the district into a smaller existing ground-floor space, with physical changes only to the storefront and signage.

(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";

No changes are proposed for the exterior of the building other than replacement of the storefront and new signage. The Board recommends that the new storefront design be studied further so that it might reflect the original geometry and proportions of the building, which was agreed to by the Applicant and reflected in the conditions of this Special Permit Decision. The Central Square Overlay District requires that the ground (first) floor facade shall consist of a minimum of 50% clear glass, which is met in this proposal. In addition, the Board recommended preservation of the historic signage on the building based on comments received by the Cambridge Historical Commission staff. The existing stone columns and entrance paving are proposed to be repaired as well.

(3) The building and site designs adequately screen the parking provided and are sensitive to the contributing buildings in the vicinity;

No parking is proposed.

- (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.*

The existing building is listed on the National Register of Historic Places. It is within the Central Square National Register District and deemed a “contributing building”. The Cambridge Historical Commission staff reviewed the proposed signage and concluded that it will not alter the historic character of the district.

3. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

- (a) *It appears that requirements of this Ordinance cannot or will not be met, or ...*

Upon granting of the requested special permits, it appears that the requirements of the Ordinance will be met.

- (b) *traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...*

The proposed use is not anticipated to cause particular congestion or hazard or substantial change in the neighborhood character since it is allowed in the district and is already in existence in the immediate vicinity.

- (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, or ...*

The use is allowed in the district and will not adversely impact surrounding uses.

- (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, or ...*

The proposed use will not create nuisance or hazard, and all business activity will continue to adhere to applicable health and safety regulations.

(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, and ...

As set forth above in these Findings, the proposal is found to be consistent with the intent of the Central Square Overlay District and the criteria for granting a special permit.

(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

The proposal is not inconsistent with the citywide urban design objectives and is consistent with the urban design objectives for Central Square as set forth above in these Findings.

DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits.

1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents submitted on 7/18/2019, including plan set titled Santander CC#630 Central Square, prepared by Gensler, dated 3/21/2019, except as set forth in the additional Conditions of this Special Permit Decision. Appendix I summarizes the dimensional features of the project as approved.
2. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for the project, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Decision. As part of CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment.
3. The Permittee shall address the following comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit:
 - a. The Permittee shall continue to work with CDD staff to improve the storefront design to be more consistent with the tripartite geometry of the original building. As part of this investigation, the Permittee shall study and implement, if feasible, design modifications resulting in a central entry, which was a key feature of the original storefront.
 - b. Cambridge Historical Commission staff shall review and approve all exterior signage and attachments, and façade alterations and details.
 - c. CDD shall review and approve the location of any new rooftop mechanical equipment and materials and details of any necessary visual/acoustical screening.
4. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).

Voting in the affirmative to approve the Development Proposal were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Mary Flynn, and Hugh Russell, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,

A handwritten signature in black ink, appearing to read "H Theodore Cohen". The signature is fluid and cursive, with a large initial "H" and a distinct "C" at the end.

H Theodore Cohen, Vice Chair.

A copy of this decision PB #349 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision has been filed on October 30, 2019 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:

_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

Appendix I: Approved Dimensional Chart

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	5,562	None	No Change	No Change
Lot Width (ft)	27.83	None	No Change	No Change
Total GFA (sq ft)	15,904	As Exists	No Change	No change
Residential Base	n/a	n/a	No Change	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	15,904	n/a	No Change	
Inclusionary Bonus	n/a	n/a	No Change	
Total FAR	2.86	As Exists	No Change	Consistent with Application Documents and applicable zoning requirements
Residential Base	n/a	n/a	No Change	
Non-Residential Base	2.86	n/a	No Change	
Inclusionary Bonus	n/a	n/a	No Change	
Total Dwelling Units	0	As Exists	No Change	No change
Base Units	n/a	n/a	No Change	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	n/a	n/a	No Change	
Base Lot Area / Unit (sq ft)	n/a	n/a	No Change	
Total Lot Area / Unit (sq ft)	n/a	n/a	No Change	
Height (ft)	55.8	As Exists	No Change	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	0	As Exists	No Change	
Side Setback (ft)	0	As Exists	No Change	
Open Space (% of Lot Area)	0	As Exists	No Change	Consistent with Application Documents and applicable zoning requirements
Private Open Space	n/a	As Exists	No Change	
Permeable Open Space	n/a	As Exists	No Change	
Off-Street Parking Spaces	0	As Exists	No Change	No change
Long-Term Bicycle Parking	0	As Exists	No Change	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	n/a	As Exists	No Change	
Loading Bays	0	As Exists	No Change	

There are no changes to the existing building with regard to the dimensional requirements. The approved formula business shall occupy an existing space of approximately 2,718 square feet in the first floor of the existing building in conformance with the Application Documents.