

July 11, 2017  
P.B.

McDERMOTT  
QUILTY &  
MILLER LLP

28 STATE STREET, SUITE 802  
BOSTON, MA 02109

June 27, 2017

**VIA ELECTRONIC DELIVERY (lpaden@cambridgema.gov)**

Cambridge Planning Board  
344 Broadway  
Cambridge, MA 02139

Attention: Liza Paden

**Re: Request for Non-Repetitive Petition  
IMA Pizza Store 21 LLC d/b/a &pizza  
8 Brattle Street, Cambridge, MA 02138**

Dear Ms. Paden:

This office represents the above-referenced entity (the "Petitioner") in their request for the Planning Board to find that their petition for a Special Permit located at the storefront numbered as 1-3 Brattle Street is non-repetitive.

By way of background, on April 27, 2017, the Board of Zoning Appeal (the "BZA") heard and denied the Petitioner's petition for a Special Permit. The Petitioner wishes to submit a new Special Permit application proposing a different concept with new food offerings and revised interior and exterior plans. These amendments will not only address the concerns of the BZA but also better adhere to the Cambridge Zoning Ordinance and fulfill the desires of the Harvard Square community.

- (1) &pizza's new concept attracts customers to eat in, reducing traffic and upholding the integrity of Harvard Square.

The Petitioner has upgraded its concept to better serve Harvard Square patrons by adding *Milk bar* to its concept. *Milk bar* is nationally renowned for its innovative desserts, made with the highest quality ingredients and using whimsy and nostalgia to inspire its creations. In addition to &pizza's extensive topping selection and organic dough, *Milk bar* will provide another element of taste and satisfaction to guests. By adding a unique and respected brand to its concept, the Petitioner is elevating its image to a new level. This concept has proven to increase on premise consumption by providing a place where patrons can have a full meal, which will

allow for a sit-down experience, decrease the amount of take-out orders, and reduce the possibility of congestion in Harvard Square.

- (2) The Petitioner's signage and layout are more compatible to other buildings and public spaces and will attract visitors due to its more colorful facade.

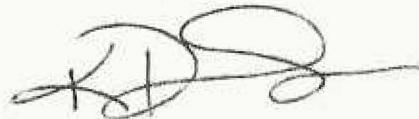
The Petitioner has revised its plans after hearing concerns from the BZA and the community. The exterior alone has been upgraded in the following ways:

- a. The sign has been split to provide the appearance of a smaller storefront.
- b. The awning has been eliminated.
- c. Illumination for signage has been greatly reduced.
- d. The trellis has been eliminated.
- e. Color and lettering have been added to enhance visual aesthetic.
- f. Umbrellas have been added to the patio.
- g. More seats have been added to the patio to increase the amount of on premise consumption.

Interior design plans will similarly reflect the new concept and full-service menu. These revised plans will utilize brighter colors and therefore appeal to visitors and increase consumerism within Harvard Square.

We respectfully request that you place this request on the agenda for your next meeting. As always, thank you for your time and consideration. Please do not hesitate to contact me with any questions or requests for additional information.

Best regards,

A handwritten signature in black ink, appearing to read 'KDS', with a long horizontal flourish extending to the right.

Karen D. Simao, Esq.

KDS/rm

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**10.50 REPETITIVE PETITIONS**

**10.51** No appeal, application or petition which has been unfavorably acted upon by the Board of Zoning Appeal or Planning Board shall be acted favorably upon within two years after the date of final unfavorable action unless:

- (a) Four members of the Board of Appeal or five members of the Planning Board, depending upon which board took the original action, vote that there are specific and material changes in the conditions upon which the previous unfavorable action was based, and describe such changes in the record of its proceedings;
- (b) All but one of the members of the Planning Board consents thereto; and
- (c) Notice is given to parties in interest of time and place for the proceedings on such reconsideration findings.

The granting of "leave to withdraw" after application for a variance or special permit has been advertised shall be considered unfavorable action.

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CITY OF CAMBRIDGE  
 MASSACHUSETTS  
 BOARD OF ZONING APPEAL  
 831 MASSACHUSETTS AVENUE  
 CAMBRIDGE, MA 02139  
 617 349-6100

BZA APPLICATION FORM

Plan No: BZA-013730-2017

GENERAL INFORMATION

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

Special Permit:   ✓   Variance:          Appeal:         

PETITIONER: IMA Pizza Store 21 LLC - C/O Karen D. Simao, Esq.

PETITIONER'S ADDRESS: 28 State Street Boston, MA 02109

LOCATION OF PROPERTY: 8 Brattle St Cambridge, MA

TYPE OF OCCUPANCY: Fast Order Food Establishment ZONING DISTRICT: Business B Zone

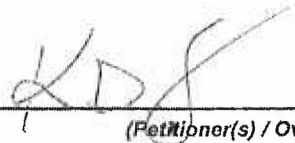
REASON FOR PETITION: Other: Special Permit

**DESCRIPTION OF PETITIONER'S PROPOSAL :**

The Applicant seeks a Special Permit to open and operate a fast order food establishment serving high-quality, healthy pizzas and unique desserts at the storefront numbered as 1-3 Brattle Street.

**SECTIONS OF ZONING ORDINANCE CITED :**

Article 4.000 Section 4.35 (Fast Order Food Establishment).  
 Article 11.000 Section 11.30 (Fast Order Food Establishment).  
 Article 10.000 Section 10.40 (Special Permit).

Original Signature(s):   
 (Petitioner(s) / Owner)

Karen D. Simao, Esq.  
 (Print Name)

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

Tel. No.: 617-946-4600

E-Mail Address: ksimao@mqmllp.com

Date: 6/28/17

**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 Brattle Street Properties  
(OWNER)

Address: C/O Colliers International, 160 Federal Street, Boston, MA 02110

State that I/We own the property located at 1-3 Brattle Street, Cambridge, MA, which is the subject of this zoning application.

The record title of this property is in the name of \_\_\_\_\_  
Brattle Street Properties, LLC

\*Pursuant to a deed of duly recorded in the date JULY 22, 2005, Middlesex South County Registry of Deeds at Book 45674, Page 335; or Middlesex Registry District of Land Court, Certificate No. N/A  
Book N/A Page N/A

*By Colliers International, as agent for  
Brattle St Properties LLC  
Valerie Reid, Vice President*  
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 Suffolk

The above-name Valerie Reid personally appeared before me, this 28<sup>th</sup> of June, 2017, and made oath that the above statement is true.

Margaret B. Notary

My commission expires 4/1/19 (Notary Seal).

\* 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 8 Brattle 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:  
The Appellant seeks to open and operate a restaurant with take-out offering craft pizza and innovative desserts to residents, tourists, and visitors of the community. The requested relief will not result in substantial detriment to the public good or substantially derogate from the Ordinance. The nature of the proposed use is in keeping with the character of the neighborhood.
- 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:  
The proposed use will attract a customer base predominantly traveling as pedestrians. Given the commercial nature of the location, the proposed use will not negatively impact the established neighborhood character.
- 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 proposed use is in keeping with the character of the neighborhood and will not have a negative impact on the adjacent uses.
- 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 will not create any nuisance or hazard.
- 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:  
The proposed use is in harmony with the general purposes and intent of the Ordinance and will not be injurious to the neighborhood or otherwise detrimental to public welfare.



**BZA APPLICATION FORM**

**DIMENSIONAL INFORMATION**

**APPLICANT:** McDermott, Quilty, & Miller      **PRESENT USE/OCCUPANCY:** General Business (vacant)  
**LOCATION:** 8 Brattle St Cambridge, MA      **ZONE:** Business B Zone  
**PHONE:** \_\_\_\_\_      **REQUESTED USE/OCCUPANCY:** Fast Order Food Establishment

	<u>EXISTING</u> <u>CONDITIONS</u>	<u>REQUESTED</u> <u>CONDITIONS</u>	<u>ORDINANCE</u> <u>REQUIREMENTS</u> <sup>1</sup>	
<u>TOTAL GROSS FLOOR AREA:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(max.)
<u>LOT AREA:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min.)
<u>RATIO OF GROSS FLOOR AREA</u> <u>TO LOT AREA:</u> <sup>2</sup>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(max.)
<u>LOT AREA FOR EACH DWELLING UNIT:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min.)
<u>SIZE OF LOT:</u>				
<u>WIDTH</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min.)
<u>DEPTH</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	
<u>SETBACKS IN FEET:</u>				
<u>FRONT</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min.)
<u>REAR</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min.)
<u>LEFT SIDE</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min.)
<u>RIGHT SIDE</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min.)
<u>SIZE OF BLDG.:</u>				
<u>HEIGHT</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(max.)
<u>LENGTH</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	
<u>WIDTH</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	
<u>RATIO OF USABLE OPEN SPACE</u> <u>TO LOT AREA:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min.)
<u>NO. OF DWELLING UNITS:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(max.)
<u>NO. OF PARKING SPACES:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min./max)
<u>NO. OF LOADING AREAS:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(min.)
<u>DISTANCE TO NEAREST BLDG.</u> <u>ON SAME LOT:</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	(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.  
No change to existing footprint.

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, 2<sup>nd</sup> 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*, Charles M. Sullivan, *Executive Director*  
William G. Barry, Jr., Robert G. Crocker, Chandra Harrington, William B. King, Jo M. Solet,  
Susannah Barton Tobin, *Members*; Joseph V. Ferrara, Kyle Sheffield, *Alternates*

## Jurisdiction Advice

To the Owner of Property at 1-3 Brattle 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
- Harvard Square Conservation District  
No CHC review of land use or fast service restaurant use of the building.  
Exterior 1<sup>st</sup> floor storefront changes that comply with Harvard Square Conservation District guidelines and zoning regulations for signs can be approved administratively by CHC staff per the district order.
- 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 SLB Date June 28, 2017

Received by Uploaded to Energov Date June 28, 2017

Relationship to project BZA 13730-2017

cc: Applicant  
Inspectional Services Commissioner