



# CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2024 JUL -8 PM 1:14

## BZA Application Form

BZA Number: 277199

### General Information

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

Special Permit:  X  Variance:   Appeal:

PETITIONER: Harvard Collection, LLC C/O James J. Rafferty

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

LOCATION OF PROPERTY: 5 Jfk St, Cambridge, MA

TYPE OF OCCUPANCY: Quick Service Food ZONING DISTRICT: Business B/Harvard Square Overlay

REASON FOR PETITION:

/Change in Use/Occupancy/

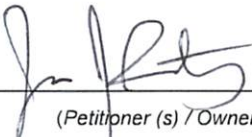
### DESCRIPTION OF PETITIONER'S PROPOSAL:

Petitioner seeks Special Permit to operate a quick service (formula business) food establishment serving smoothie bowls in a location currently operating as a quick service food use serving bubble tea.

### SECTIONS OF ZONING ORDINANCE CITED:

Article: 4.000 Section: 4.35.O (Quick Service Food Establishment).  
Article: 11.000 Section: 11.30 (Fast Order or Quick Service Food Establishment).  
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. 617.492.4100  
E-Mail Address: jrafferty@adamsrafferty.com

Date: June 26, 2024

## BZA Application Form

### DIMENSIONAL INFORMATION

Applicant: Harvard Collection, LLC  
Location: 5 Jfk St, Cambridge, MA  
Phone: 617.492.4100

Present Use/Occupancy: Quick Service Food  
Zone: Business B/Harvard Square Overlay  
Requested Use/Occupancy: Quick Service Food

	<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>	776 sf	no change	N/A	(max.)
<u>LOT AREA:</u>	see special permit	see special permit	see special permit	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA:</u> <sup>2</sup>	see special permit	see special permit	see special permit	

**OWNERSHIP INFORMATION FOR BOARD OF ZONING APPEAL RECORD**

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

5 Berry Delight, Inc.

(Owner or Petitioner)

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

Location of Premises: 24 Brattle Street

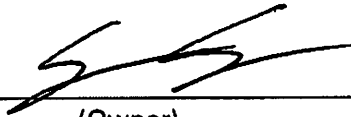
the record title standing in the name of Harvard Collection, LLC

whose address is P.O. BOX 790830 SAN ANTONIO, TX 78279  
(Street) (City or Town) (State & Zip Code)

by a deed duly recorded in the Middlesex South County Registry of Deeds in

Book 1480 Page 112 or \_\_\_\_\_ Registry


District of Land Court Certificate No. \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_



(Owner)

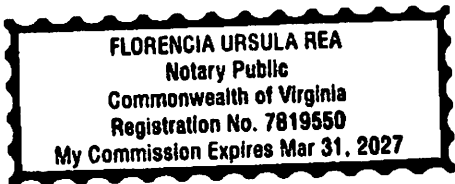
Sam Stichel VP Investments

On this 11 day of June, 2024, before me, the undersigned notary public, personally appeared Sam Stichel, VP Investments proved to me through satisfactory evidence of identification, which were Sam Stichel, VP Investments, 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.



Notary Public

My commission expires: 03/31/2027



## **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 5 Jfk 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 petitioner's restaurant will meet all of the criteria of Article 11.31, including attracting primarily walk-in trade and fulfilling a neighborhood need for a casual restaurant serving healthy food.

**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:**

Existing traffic patterns will not be affected by this use since the previous tenant operated a very similar business with the majority of customers walking to the establishment.

**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 use is entirely consistent with the retail character of this section of Harvard Square and will not have any adverse effect upon surrounding 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 restaurant will be operated in conformity with the health, safety and licensing requirements of the City of Cambridge.

**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 consistent with the goals of the Harvard Square Overlay District to enhance the vitality of the District for residents and visitors.

**\*If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.**

Date: \_\_\_\_\_

## BZA Application Form

### DIMENSIONAL INFORMATION

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**Location:** 5 Jfk St , Cambridge, MA  
**Phone:** 617.492.4100

**Present Use/Occupancy:** Quick Service Food  
**Zone:** Business B/Harvard Square Overlay  
**Requested Use/Occupancy:** Quick Service Food

		<u>Existing Conditions</u>		<u>Requested Conditions</u>		<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		776 sf		no change		N/A	(max.)
<u>LOT AREA:</u>		see special permit		see special permit		see special permit	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: <sup>2</sup></u>		see special permit		see special permit		see special permit	
<u>LOT AREA OF EACH DWELLING UNIT</u>		see special permit		see special permit		see special permit	
<u>SIZE OF LOT:</u>	WIDTH	see special permit		see special permit		see special permit	
	DEPTH	see special permit		see special permit		see special permit	
<u>SETBACKS IN FEET:</u>	FRONT	see special permit		see special permit		see special permit	
	REAR	see special permit		see special permit		see special permit	
	LEFT SIDE	see special permit		see special permit		see special permit	
	RIGHT SIDE	see special permit		see special permit		see special permit	
<u>SIZE OF BUILDING:</u>	HEIGHT	see special permit		see special permit		see special permit	
	WIDTH	see special permit		see special permit		see special permit	
	LENGTH	see special permit		see special permit		see special permit	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		see special permit		see special permit		see special permit	
<u>NO. OF DWELLING UNITS:</u>		N/A		N/A		N/A	
<u>NO. OF PARKING SPACES:</u>		see special permit		see special permit		0	
<u>NO. OF LOADING AREAS:</u>		see special permit		see special permit		see special permit	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		see special permit		see special permit			

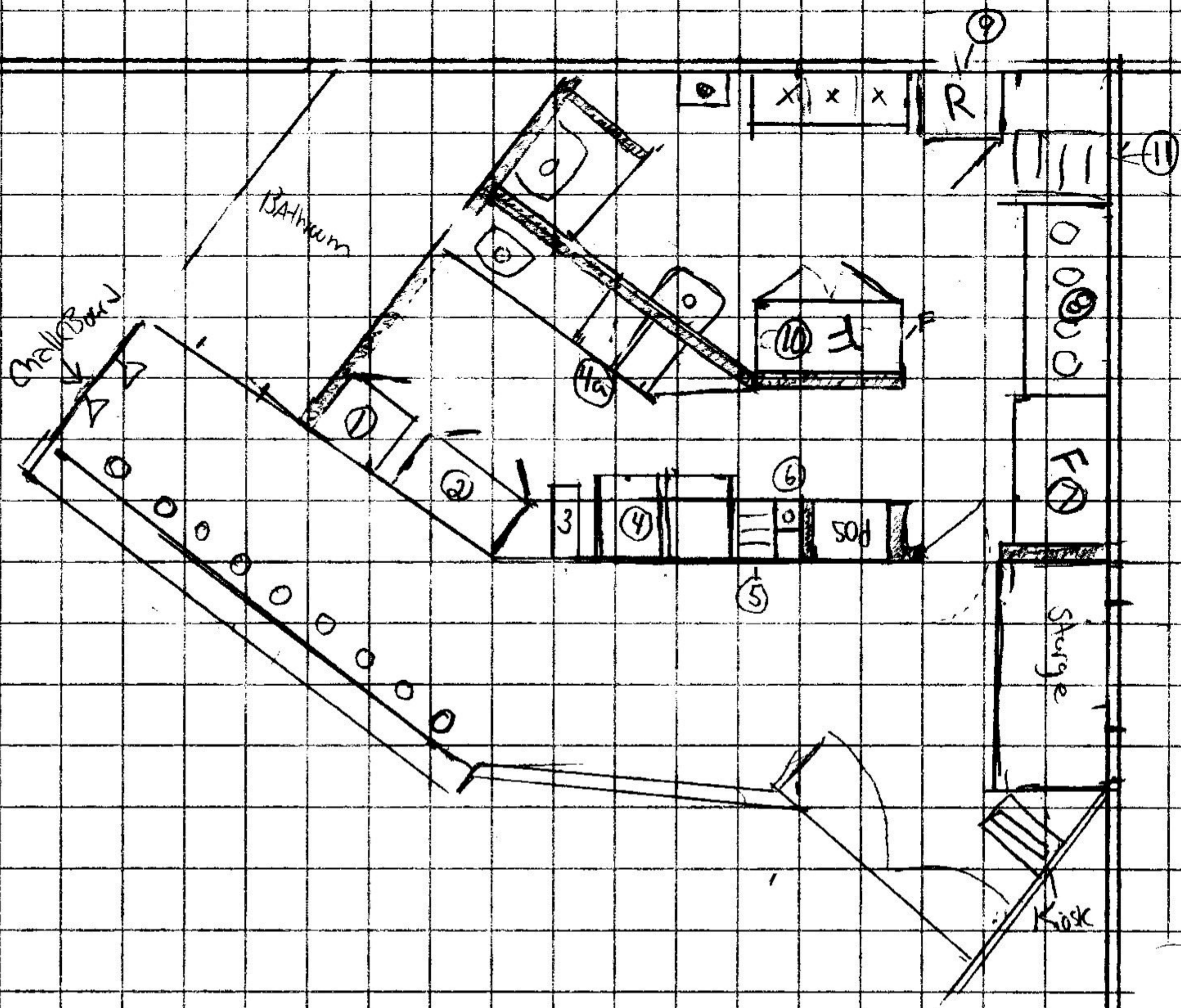
Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.:

N/A

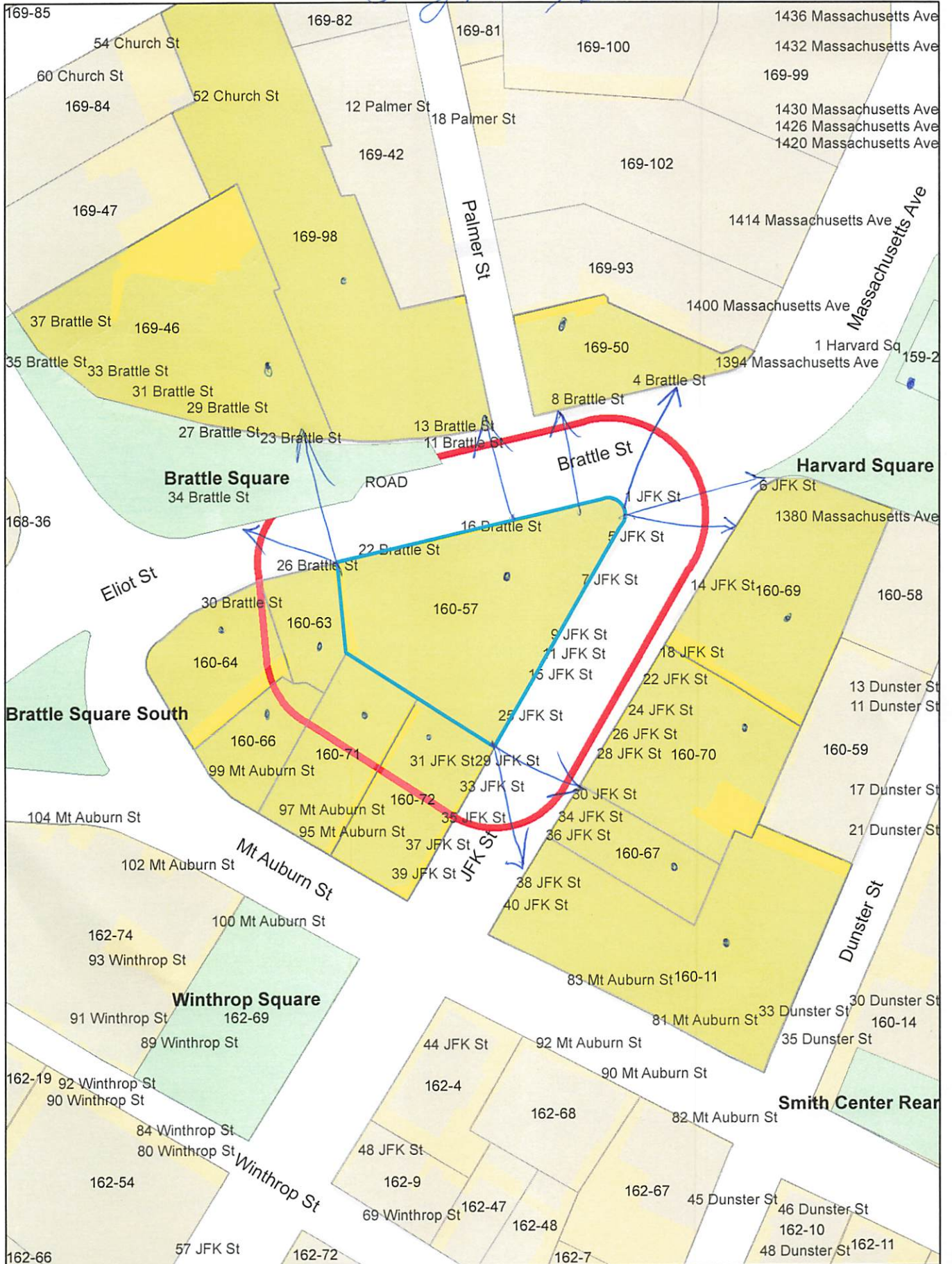
1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.

5 JFK St BZA-277199





5 JFK St.



5 JFK St.

169-46-50  
AP BRATTLE SQUARE, LP  
C/O ASANA PARTNERS, LP  
1616 CAMDEN RD SUITE 210  
CHARLOTTE, NC 28203

160-57  
HARVARD COLLECTION LLC  
C/O EQUITY ONE, INC. ATTN: CONTROLLER  
P.O. BOX 2539  
SAN ANTONIO, TX 78299

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

160-70  
ALLIARA, LLC  
1188 CENTRE ST.  
NEWTON CENTRE, MA 02459

160-11  
TRINITY REALTY LIMITED PARTNERSHIP I  
P.O. BOX 380212  
CAMBRIDGE, MA 02238

160-67  
WAUGH BUILDING LLC  
C/O ROCKMONT MANAGEMENT CO., INC.  
P.O. BOX 440433  
SOMERVILLE, MA 02145

160-71  
95 MT AUBURN REALTY ASSOCIATES DE, LLC  
C/O BULFINCH  
116 HUNTINGTON AVE UNIT 600  
BOSTON, MA 02116

160-72  
MAYHAW, LLC  
C/O NCP MANAGEMENT  
P.O. BOX 590179  
NEWTON CENTER, MA 02459

160-64  
HADLEY, LILLIAN H.,  
HARRY LEBARON SAMPSON, TR.  
C/O THOMAS HADLEY TRUST  
411 WALNUT ST PMB 17806  
GREEN COVE SPRINGS, FL 32043

160-66  
HADLEY, LILLIAN H. & HARRY LEBARON  
SAMPSON TRS, ET-AL  
411 WALNUT ST PMB 17806  
GREEN COVE SPRINGS, FL 32043-3443

160-69  
1834 REALTY, INC.  
FACILITIES DEPARTMENT  
81 WYMAN ST  
WALTHAM, MA 02451

169-98  
GAZIT HORIZONS (9 BRATTLE) LLC,  
1696 NE MIAMI GARDENS DRIVE NORTH  
MIAMI BEACH, FL 33179

160-63  
HAVENTREE LLC  
15 ELMER ST  
CAMBRIDGE, MA 02138

159-2  
CITY OF CAMBRIDGE  
C/O YI-AN HUANG  
CITY MANAGER

159-2  
CITY OF CAMBRIDGE  
C/O MEGAN BAYER  
CITY SOLICITOR