



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139 2024 AUG 20 AM 9:43

617-349-6100

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 278934

General Information

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

Special Permit: X Variance: X Appeal:

PETITIONER: Fawwaz Abu-rubieh

PETITIONER'S ADDRESS: 144 Western Avenue, Cambridge, MA 02139

LOCATION OF PROPERTY: 148-150 Western Ave., Cambridge, MA

TYPE OF OCCUPANCY: Commercial Restaurant Cafe ZONING DISTRICT: Residence C-1 Zone
No Alcohol

REASON FOR PETITION:

/Change in Use/Occupancy/

DESCRIPTION OF PETITIONER'S PROPOSAL:

To modify previously granted decision with conditions on BZA-9901 to be able to cook inside the premises and ability to serve alcohol.

SECTIONS OF ZONING ORDINANCE CITED:

| | |
|-----------------|---------------------------------------|
| Article: 4.000 | Section: 4.35.f.1 (Restaurant). |
| Article: 8.000 | Section: 8.22.3 (Non-Conforming Use). |
| Article: 10.000 | Section: 10.30 (Variance). |

Original
Signature(s):

Fawwaz Mubrad

(Petitioner (s) / Owner)

Fawwaz Abu-Rubayeh
(Print Name)

Address: _____

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20535

MEMORANDUM FOR THE DIRECTOR

DATE: 10/15/68

RE: [Illegible]

SUBJECT: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

[Handwritten signature]

Original
[Illegible]

[Handwritten signature]

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 Fawwaz Abu-rubrah
(OWNER)

Address: 144 Western Avenue, Cambridge MA 02139

State that I/We own the property located at 150 Western Ave., which is the subject of this zoning application.

The record title of this property is in the name of Abu Realty LLC.

*Pursuant to a deed of duly recorded in the date 1/1/03, Middlesex South County Registry of Deeds at Book Document Page 1483; or Middlesex Registry District of Land Court, Certificate No. _____ Book _____ Page _____.

Fawwaz Malmid
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 Middlesex

The above-name Fawwaz Abu-rubrah personally appeared before me, this 9 of July, 2024, and made oath that the above statement is true.

Isiah Moore Notary
Notary Public
Commonwealth of Massachusetts
My commission expires February 13, 2026 (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 VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10.

- A)** A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

This building was built as a commercial store front and cannot be used for anything else other than commercial uses. It would be a financial hardship to the existing business if we weren't able to expand and modify the previous variance conditions.

- B)** The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

This is a corner lot with narrower lot sizes.

- C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:**

- 1)** Desirable relief may be granted without substantial detriment to the public good for the following reasons:

The proposed usage will not be a detriment to the public good but will enhance the area by expanding the existing restaurant services.

- 2)** Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

The requested relief is minimal; the square footage of the building will remain the same.

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

Address: _____

Tel. No. [6178036848](tel:6178036848)

E-Mail Address: fawazaburubieh@yahoo.com

Date: _____

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Fawwaz Abu-rubieh Present Use/Occupancy: Commercial Restaurant Cafe No Alcohol
 Location: 148-150 Western Ave., Cambridge, MA Zone: Residence C-1 Zone
 Phone: 6178036848 Requested Use/Occupancy: Commercial Restaurant with Alcohol

| | | <u>Existing Conditions</u> | <u>Requested Conditions</u> | <u>Ordinance Requirements</u> | |
|---|------------|----------------------------|-----------------------------|-------------------------------|--------|
| TOTAL GROSS FLOOR AREA: | | 1780 | N/A | N/A | (max.) |
| LOT AREA: | | 2050 | N/A | N/A | (min.) |
| RATIO OF GROSS FLOOR AREA TO LOT AREA: ² | | .87 | N/A | N/A | |
| LOT AREA OF EACH DWELLING UNIT | | 700 | N/A | N/A | |
| SIZE OF LOT: | WIDTH | N/A | N/A | N/A | |
| | DEPTH | N/A | N/A | N/A | |
| SETBACKS IN FEET: | FRONT | N/A | N/A | N/A | |
| | REAR | N/A | N/A | N/A | |
| | LEFT SIDE | N/A | N/A | N/A | |
| | RIGHT SIDE | N/A | N/A | N/A | |
| SIZE OF BUILDING: | HEIGHT | N/A | N/A | N/A | |
| | WIDTH | N/A | N/A | N/A | |
| | LENGTH | N/A | N/A | N/A | |
| RATIO OF USABLE OPEN SPACE TO LOT AREA: | | N/A | N/A | N/A | |
| NO. OF DWELLING UNITS: | | N/A | N/A | N/A | |
| NO. OF PARKING SPACES: | | N/A | N/A | N/A | |
| NO. OF LOADING AREAS: | | N/A | N/A | N/A | |
| DISTANCE TO NEAREST BLDG. ON SAME LOT | | N/A | N/A | N/A | |

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction

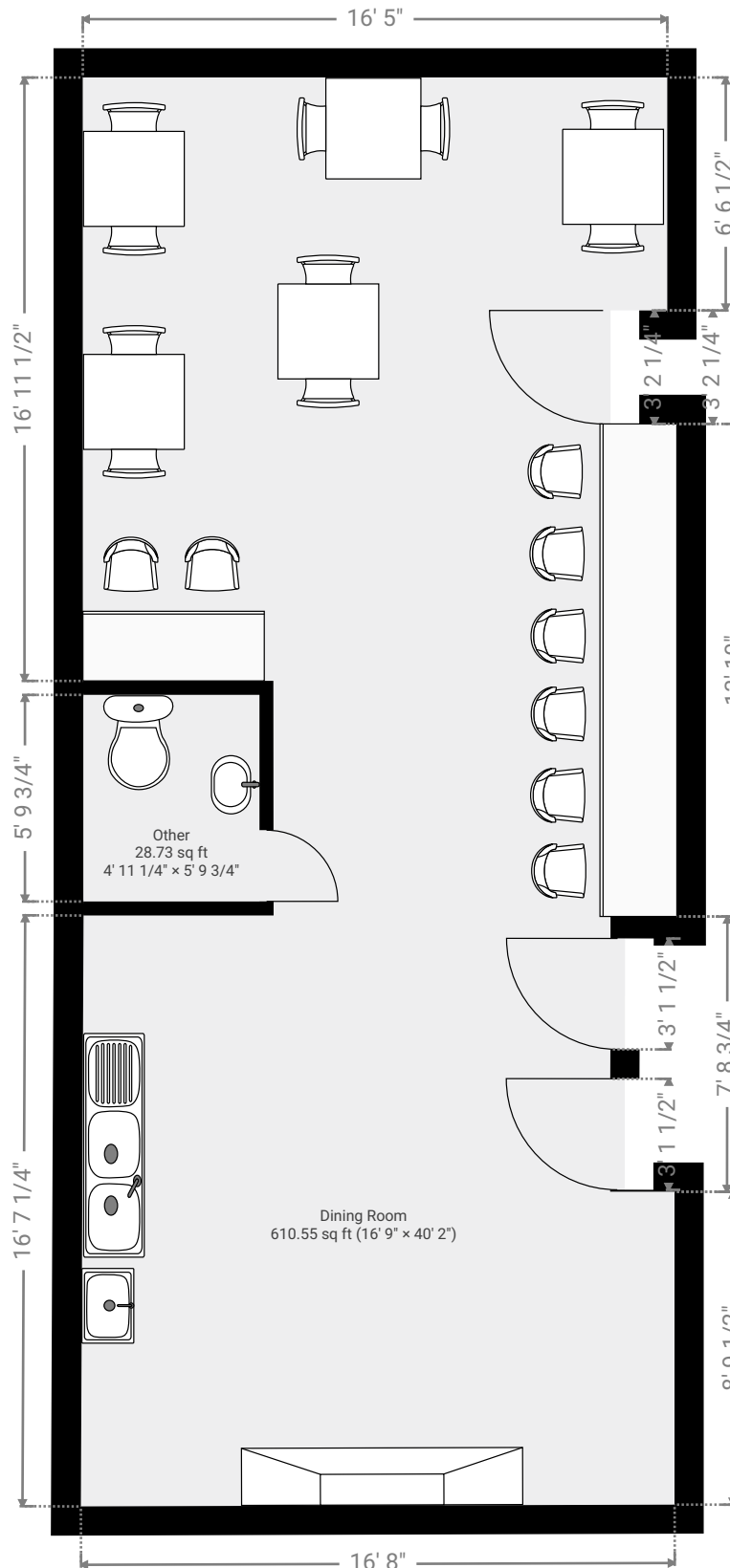
Beantown Taqueria

148-150 Western Avenue, 02139 Cambridge, Massachusetts, United States
TOTAL AREA: 639.07 sq ft • LIVING AREA: 747.73 sq ft • FLOORS: 1 • ROOMS: 2



▼ Ground Floor

TOTAL AREA: 639.07 sq ft • LIVING AREA: 747.73 sq ft • ROOMS: 2



THIS FLOOR PLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.



148-150 Western Ave

BZA -
278934



Serving the
BEST Mexican
AUTHENTIC and
TRUE-TEX-MEX
food in CAMBRIDGE
Inflation SPECIALS
Monday - 2 for 1 Burrito
Tuesday - Taco Tuesday 12:00-3:00pm
Wednesday - 2 for 1 Quesadillas
Thursday - 2 for 1 Tostitos
Friday - 2 for 1 Burrito & Quesadilla
Saturday - 2 for 1 Tostitos
Sunday - 2 for 1 Burrito

Beamtown
TAQUERIA CAFE

HOURS
7:00 AM - 10:00 PM
SAT 10:00 AM - 9:00 PM
SUN 11:00 AM - 9:00 PM
CATERING
Call us for more info

TAQUERIA







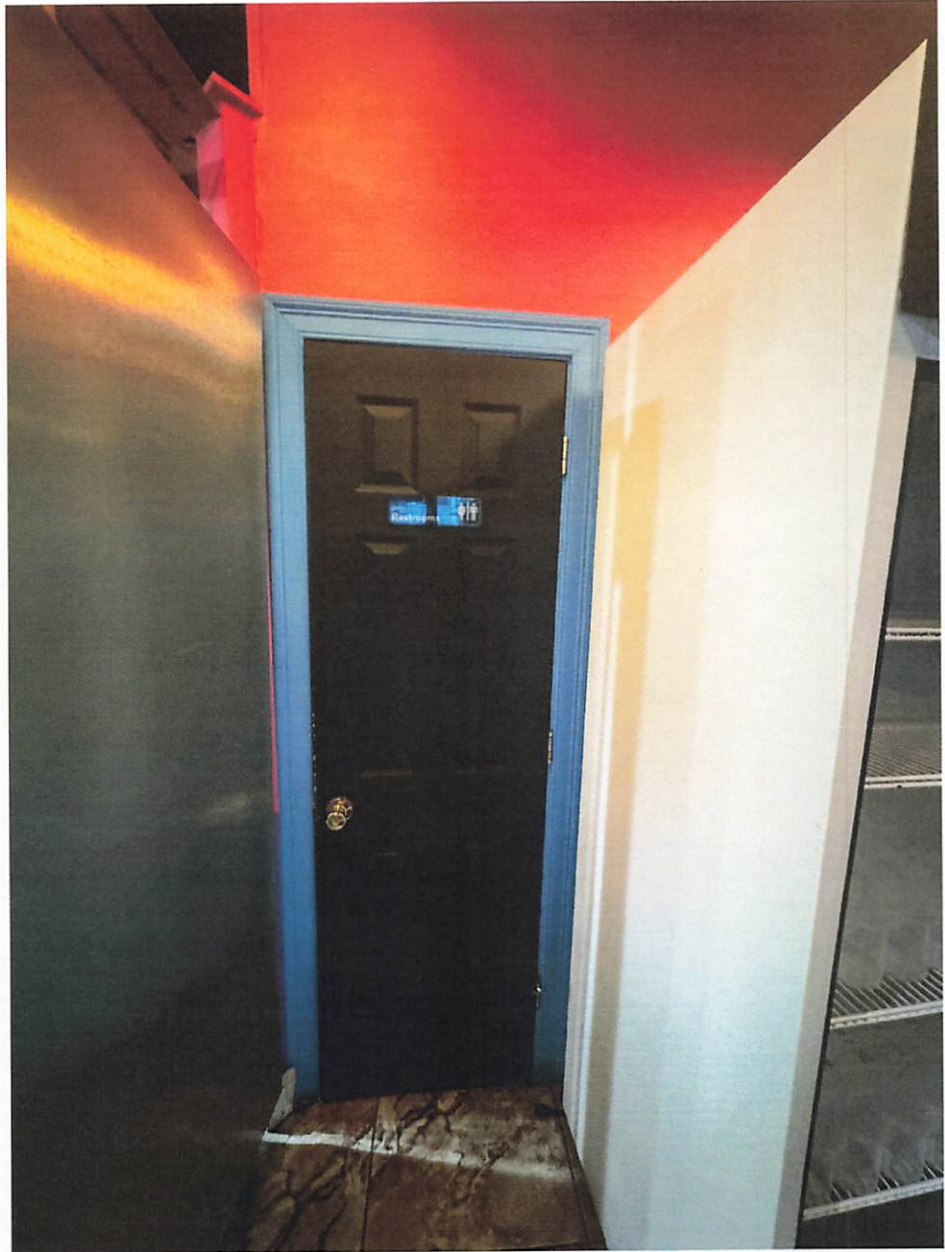




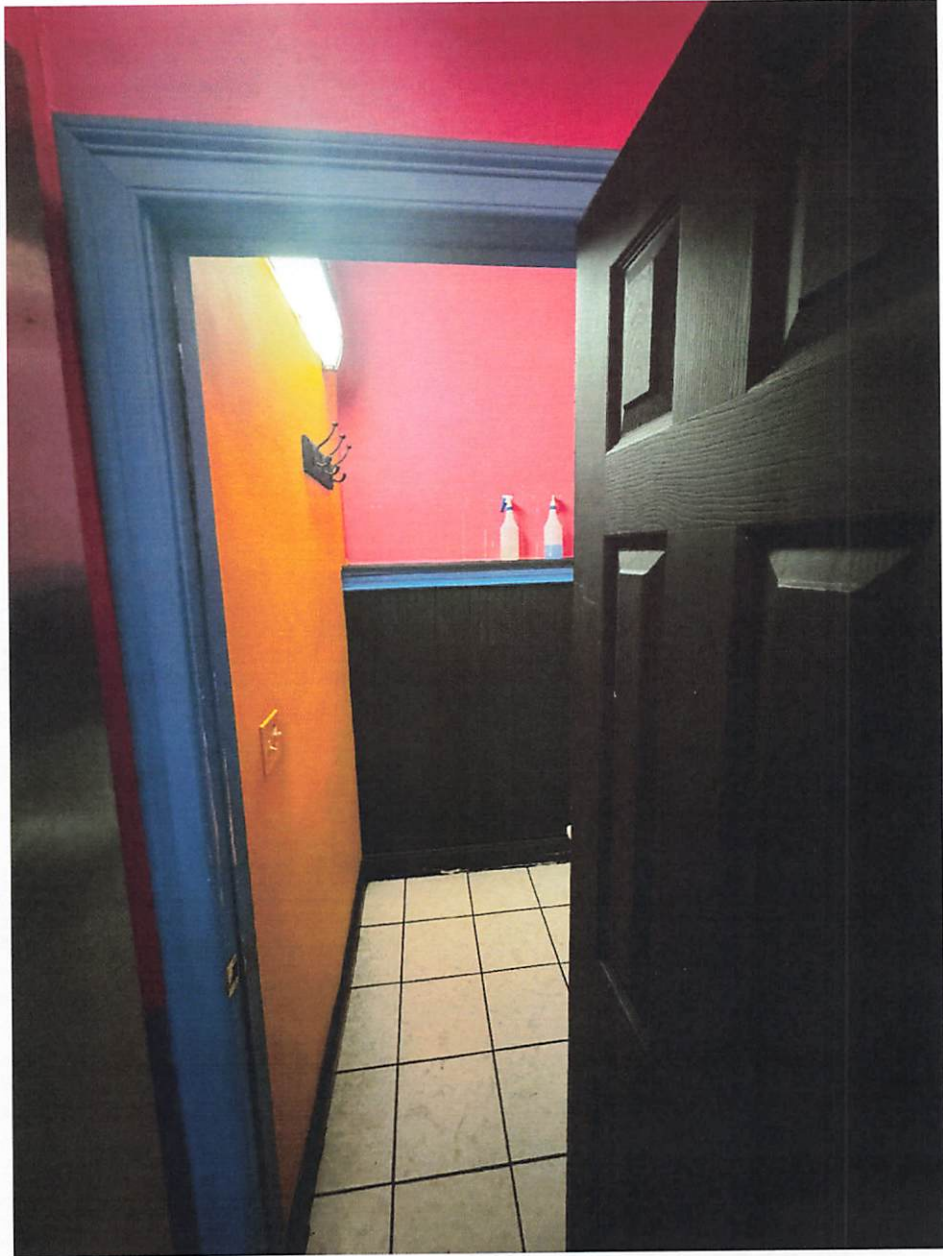














City of Cambridge

MASSACHUSETTS

JP

BOARD OF ZONING APPEAL 2010 APR 22 A 11: 52

831 Mass Avenue, Cambridge, MA
(617) 349-6100 OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

CASE NO: 9901

Residence C-2 Zone

LOCATION: 148-150 Western Avenue
Cambridge, MA



2011 00196950

Bk: 57806 Pg: 165 Doc: DECIS
Page: 1 of 4 11/07/2011 10:03 AM

Return!

PETITIONER: Fawaz Mohamed Abu Rubayah & Asma Nofal

PETITION: Variance: To establish a café with 18 seats.

VIOLATION: Art. 4.000, Sec. 4.35.E (Restaurant Use).

DATE OF PUBLIC NOTICE: February 19 & 26, 2010

DATE OF PUBLIC HEARING: March 11, 2010

Bk 37713-276

MEMBERS OF THE BOARD:

CONSTANTINE ALEXANDER - CHAIR
TIMOTHY HUGHES - VICE CHAIR
BRENDAN SULLIVAN
THOMAS SCOTT

ASSOCIATE MEMBERS:

CHRISTOPHER CHAN
MAHMOOD R. FIROUZBAKHT
DOUGLAS MYERS
SLATER W. ANDERSON
TAD HEUER

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. 9901
Location: 148-150 Western Avenue
Petitioner: Fawaz Mohamed Abu Rubayah

On March 11, 2010, Petitioner Fawaz Mohamed Abu Rubayah appeared before the Board of Zoning Appeal requesting a variance in order to establish a café with 18 seats. The Petitioner requested relief from Article 4, Section 4.35.E of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioner submitted application materials including information about the project, plans, and photographs.

Mr. Rubayah stated that he proposed to open a small café at the location, which sat in a residential district. He stated that the proposed café was in a small, narrow storefront, which was not appropriate for residential use. He stated that over the past several years the property was either vacant or had housed short lived businesses. He stated that due to its location outside Central Square and due to the fact that it had no parking, only businesses like a café that relied on walk in trade would be viable at the location. He stated that the café would not involve any cooking.

James Curran, attorney for Ben and Jane Corey who owned the other half of the petitioner's building (on a separate lot), spoke in opposition to the proposal based on potential negative impacts involving traffic, trash, vermin, and fire. Ben Corey and Kalman Glance of 12 Kinnaird Street spoke in opposition to the proposal. The Chair read several correspondence in support and in opposition.

After discussion, the Chair moved that the Board grant the variance for relief in order to establish a café with 18 seats based on the finding that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the petitioner. The Chair moved that the Board find that the hardship relates to the structure, which is in a residential district, not being useable for residential occupation. The Chair moved that the Board find that the structure is a small storefront historically used for commercial purposes. The Chair moved that the Board find that the hardship is owing to circumstances relating to the nature of the structure itself, being a commercial building in a residential zone. The Chair moved that the Board find that it can grant relief without a substantial detriment to the public good or without nullifying or derogating from the intent or purpose of the Ordinance. The Chair moved that the Board find that the relief will provide for a more rational use of this structure, where it is better that it be occupied and used for commercial purposes than for it to stay vacant. The Chair moved that the Board find that the proposed use is not going to create traffic problems, because the cafe will attract mainly foot traffic and will not cause congestion or traffic impact. The Chair moved that the Board find that, although there may be impacts from this kind of use on neighboring properties, with the below conditions, any negative impacts will be minimized. The Chair moved that the Board find that the requested relief will provide for rationale economic development of a piece of property in Cambridge that is not being

used currently. The Chair moved that the Board find that with the below conditions there will not be negative impacts regarding odors, rats, or other vermin on neighboring properties. The Chair moved that the Board find that the purpose of the below conditions is to minimize these impacts and to strike an appropriate balance between the proposed commercial use and the adjoining residential uses. The Chair moved that the Board grant the variance on the following conditions:

1. that the property be used only for a cafe that essentially serves a cafe menu, for example hot and cold drinks, soups, salads and sandwiches,
2. that food may not be cooked on the premises, but prepared food, brought from the outside establishment, may be heated,
3. that the petitioner provide, within the premises, a trash receptacle for customers to dispose of their trash,
4. that the petitioner make reasonable efforts to make sure that people use the receptacle and when they do not, to keep the neighborhood as clean as possible,
5. that no dumpster or other waste disposal facility be maintained outside the premises and that waste be removed for the premises in another manner.
6. that the hours of operation cannot be any earlier than eight in the morning and no later than ten o'clock at night.

The five member Board voted unanimously in favor of finding a hardship and of granting a variance (Alexander, Hughes, Sullivan, Heuer, and Anderson) with the above conditions. Therefore, the variance is granted.

The Board specifically finds that, based upon all the information presented, there are circumstances involving a substantial hardship relating to this property within the meaning of M.G.L. c. 40A § 10. The Board also finds that desirable relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the 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 4-22-10 by Nana Jackson, Clerk.

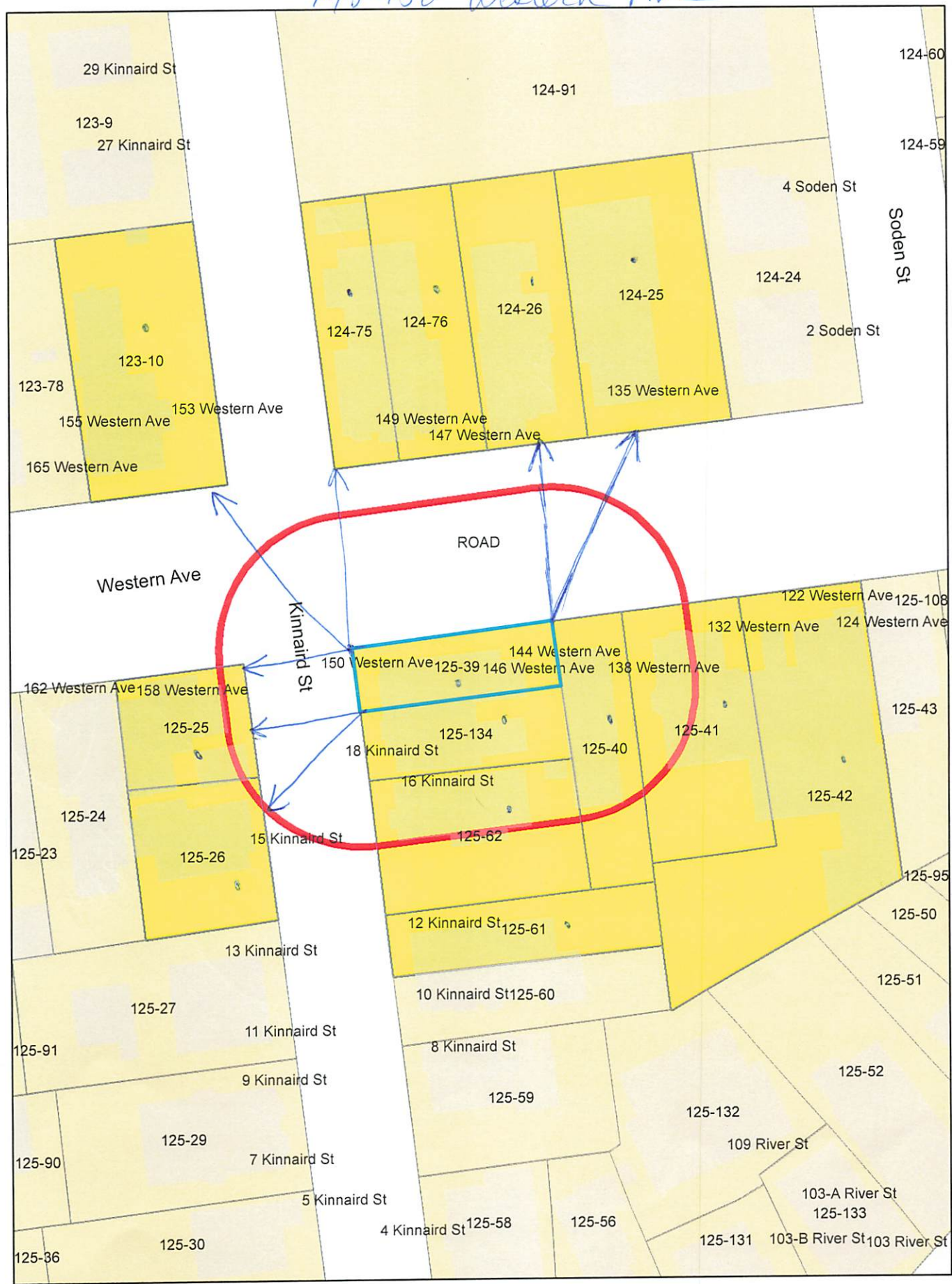
Twenty days have elapsed since the filing of this decision.

No appeal has been filed _____.

Appeal has been filed and dismissed or denied.

Date: November 9, 2011 P. Margaret Gray City Clerk.

148-150 Western Ave



148-150 Western Ave

Petitioner

124-75
GOUGHRABOU, AHMED &
LATIFA GOUGHRABOU
149 WESTERN AVE
CAMBRIDGE, MA 02139-3702

125-41-42
ARTIS B. SPEARS & ANDREA J. SPEARS
JACKSON ANTHONY J. SPEARS TRS
124 WESTERN AVE
CAMBRIDGE, MA 02139-3727

FAWWAZ ABU-RUBIEH
144 WESTERN AVENUE
CAMBRIDGE, MA 02139

125-25
KIRIL S. AND CATHERINE E. ALEXANDROV
406 FRANKLIN ST
CAMBRIDGE, MA 02139

125-39-134
ABU REALTY LLC
144 WESTERN AVE
CAMBRIDGE, MA 02139

125-40
BRILL, JENNIFER M. & LAURENCE A. WEIL
138 WESTERN AVE.
CAMBRIDGE, MA 02139

125-62
GUNTHER, DAVID M. & BARI-SUE BRODSKY
16 KINNAIRD ST
CAMBRIDGE, MA 02139

124-26
QUIGLEY, GARY J.
141 WESTERN AVE
CAMBRIDGE, MA 02139-3702

124-76
GOUGHRABOU, AHMED &
LATIFA GOUGHRABOU
149 WESTERN AVE
CAMBRIDGE, MA 02139

123-10
BROOKS, VELMER M., TRS VELMER M.
BROOKS 2014 REV TRUST
155 WESTERN AVE
CAMBRIDGE, MA 02139

125-61
ROBERTSON, CHRISTOPHER T. &
JAMIE C. ROBERTSON
15 FLORENCE ST
CAMBRIDGE, MA 02139

125-26
FREEMAN, DENNIS M.
TRS DENNIS M. FREEMAN REVOCABLE TR
15 KINNAIRD ST
CAMBRIDGE, MA 02139

124-25
LU POWER LLC
55 HAGEN ROAD
NEWTON, MA 02459

Pacheco, Maria

From: Bari Brodsky <bari.brodsky@gmail.com>
Sent: Wednesday, September 18, 2024 10:13 PM
To: Pacheco, Maria
Cc: David Gunther
Subject: Oppose Case No. BZA-278934

9/18/24

RE: Case No. BZA-278934

Location: 148-150 Western Ave. Cambridge, MA

To The Board of Zoning Appeal:

We are writing to strongly oppose the petition to be able cook inside the restaurant and serve alcohol. Our family lives directly next door to this property.

Our neighborhood already has a large rat population problem. The restaurant property is not large and adding a commercial restaurant kitchen with the ensuing food waste could potentially increase this problem. The trash cans for the residence and Air BNB are right next to our front walkway and front door. We fear that the restaurant food waste trash will attract rats and other pests.

We are also worried about the increased smoke which often accompanies diners drinking alcohol. This property already houses an Air BNB which produces significant smoke (tobacco and cannabis) fumes throughout the day and night. This is an old neighborhood. The houses are close together. Our house is 2 feet from the property line. We often have to keep our kitchen and bedroom windows closed due to the overpowering smell. We are very concerned that the addition of serving alcohol at the restaurant, which has outdoor seating, will increase the smoking and the noise. This will directly negatively impact the quality of our lives and those of our neighbors.

Thank you for your consideration,
Bari Brodsky and David Gunther
16 Kinnaird Street, Cambridge, MA
617-642-0843
617-417-5424



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

2024 OCT -1 PM 2:43
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-278934

Address: 148-150 Western Ave

Owner, Petitioner, or Representative: Fawwaz Abu-Rubieh
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The Owner, Petitioner, or Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

Date: 9/30/24

Fawwaz Mubrid
Signature



OFFICE OF THE MAYOR

E. Denise Simmons, Mayor

2008–2009 | 2016–2017 | 2024–2025

September 26, 2024

Cambridge Board of Zoning Appeal
831 Massachusetts Avenue
Cambridge, MA 02139

RE: Case No. BZA-278934 (Fawaz Abu-Rubieh | 148-150 Western Avenue
Variance Request to Modify Cooking and Alcohol Service Conditions)

Dear Members of the Board of Zoning Appeal,

I am writing to express my strong support for the zoning variance request submitted by Fawaz Abu-Rubieh for his longstanding business at 148-150 Western Avenue. Mr. Abu-Rubieh has been an integral part of the Cambridge community, successfully operating his business for many, many years, and providing valuable service to residents in the neighborhood.

The variance he is seeking will allow him to install a kitchen hood and begin cooking inside his premises, as well as serve alcohol to patrons. These modifications will enable Mr. Abu-Rubieh to better serve the community by enhancing the dining experience he offers, while adhering to the City's regulatory requirements.

Mr. Abu-Rubieh's business has been a trusted establishment for over a decade, and these updates will only improve the services and options available to his customers. Given his commitment to Cambridge, and the positive impact his business has had on the local economy and neighborhood vitality, I believe his request is worthy of your consideration and approval.

I respectfully urge the Board to grant the requested variance, which will allow Mr. Abu-Rubieh to continue contributing to our community in a more comprehensive manner. I thank you very much for your consideration of this matter.

Sincerely,

Mayor E. Denise Simmons

Pacheco, Maria

From: jennifer brill <brilljenn@yahoo.com>
Sent: Monday, September 23, 2024 11:30 PM
To: Pacheco, Maria
Cc: Laurence Weil
Subject: In opposition to BZA-278934

Sept. 23, 2024

To: Maria Pacheco and The Board of Zoning Appeal
Re: BZA-278934 (148-150 Western Ave)

I have lived at 138 Western Ave with my family, next door to the restaurant, since 1994. I want to start by saying that I have known the owners for many years, since they first moved in. They have been as kind and cooperative and helpful as any neighbors could be, and, from my perspective, we have enjoyed a good relationship. So I have been conflicted about speaking up on this matter, but after giving it serious thought, I believe that the negative impact from both the kitchen and the alcohol would be significant enough that I cannot support the proposal. I say this for several reasons.

RATS

We already have a significant rat problem for which I am paying \$1000 annually to a pest control company. We have bait stations positioned all around our house and yard, but we still have rats. The rat activity, as measured by bait consumed, has already mostly centered on the side of the house adjacent to the restaurant. I worry that with increased food waste and trash this problem will only get worse. When the space was first given permission to be a restaurant, one of the conditions was that there would be no dumpster and that trash would be handled and removed from the premises in another way. Presumably there would be much greater trash needs if there was a working kitchen. It's hard to imagine how this could work without changing that condition. There is no space to handle more trash without using a dumpster and there is no place for a dumpster other than facing Western Ave adjacent to our property. We would definitely be opposed to that as a permanent arrangement-- because of the curb appeal, the value of the property and mostly because it seems as likely to attract rats as to deter them. It's easy to see rats freely moving in and out of dumpsters all the time. A dumpster would also mean one less available parking space if the owners had to give up their driveway for the dumpster and use more street parking.

PARKING

Parking is already at a premium on this corner and a number of homes, including ours, do not have driveways. The limited spaces are already taken up by cars belonging to the owners and those associated with the restaurant. Then, when the restaurant is open, there have been even fewer spots and frequently spots taken up people parking illegally in resident spots. Much of that has been short-term parking for take-out orders but this would obviously change and significantly worsen if there were a full-service restaurant with a liquor license.

NOISE, COOKING FUMES and CIGARETTE SMOKE

I am concerned about noise as well as fumes from ventilation equipment necessary to support a kitchen. From what I understand these fans need to run constantly and can be quite noisy. As an adjacent neighbor, I am also very concerned about noise in general but especially from outdoor seating with drinking in what is usually a quiet residential neighborhood in the evening. We already need to keep our windows closed on that side of the house due to noise and smoke generated by tenants in the AirBnB using the backyard space. This proposal would add a similar problem to the front of our house.

TRASH

Although I certainly cannot directly attribute this to the restaurant, we already have a problem with people leaving trash in front of our house as well as in our front yard. I am concerned that this could worsen with a kitchen and alcohol license and an outdoor setting with no clear place to otherwise throw their trash.

PRECEDENT

I trust that the owners would do their best to control these problems as much as they could. However, I don't believe they are all manageable problems. And I am also very concerned about the precedent this would set for the location becoming other types of alcohol-related venues in the future.

When we first moved into the neighborhood, that space was a barber shop that was open during business hours and seemed to serve as a neighborhood hub. Over the years it has evolved into a restaurant space with both outdoor and indoor seating as well as take-out service, open 7 days a week including evenings. Although it has mostly been relatively quiet, it has definitely increased parking difficulties and also increased trash left both outside and inside our yard.

I believe that the addition of a working kitchen and a liquor license will serve to exacerbate these problems as well as add new ones, and significantly detract from the neighborhood rather than enhance it.

This is primarily a residential neighborhood, with closely spaced houses, limited parking, and easy access to both food and alcohol within walking distance. It is hard to imagine how a full-service restaurant with a liquor license and outdoor drinking in this particular location would in any way enhance the neighborhood. The corner and the site cannot accommodate the added parking and trash burden, and the outdoor space in particular is not confined or separated enough to contain the noise of a drinking crowd. There is not the physical space to address these problems without having a significantly detrimental effect on us and on the neighborhood. It served well as a daytime business with short-term stays and parking available for residents at night. It is not suited for a full-service restaurant with a liquor license.

Thank you for your consideration of this matter.

Sincerely,
Jennifer Brill
138 Western Ave.

Pacheco, Maria

From: Carol Greenwood <cgnumu@gmail.com>
Sent: Tuesday, September 24, 2024 1:16 PM
To: Pacheco, Maria
Subject: BZA Case # 278934 148-150 Western Ave/ Hearing scheduled for Sept 26, 2024

To the Board:

I'm registering my opposition to the variances to cook and, especially to serve liquor, that are requested in the above case. The conditions that existed in 2014 have not changed in any material way from 2014 when a similar variance to serve liquor was put forth and denied.

It is unfortunate that a commercial property is located in this residential zone. However, the section of Kinnaird Street that runs between River Street and Western Avenue is about 100 yards long; we live in the middle of the block, three houses away from the property seeking the variance. A restaurant (What A Soup) currently exists three houses to our other side on the corner of Kinnaird and River Street. Limited parking on both River Street and Western Avenue pushes restaurant parking onto our already congested block and an audible exhaust fan runs 10am - 9pm, 24/7. What a Soup does not serve liquor.

Contending with another cooking establishment at the other end of our short block, especially one serving liquor and serving it outdoors, is an unnecessary burden on this short block in a jam-packed residential neighborhood. Restaurants serving alcohol are plentiful three blocks away in Central Square. There are a number of restaurants in this neighborhood that have been in business for some time and do not serve alcohol: Andala Cafe and Pai Kin Kao on River Street, Basta Pasta on Western Ave, Alive and Kicking on Putnam and Coast Cafe on River Street. Lack of alcohol does not appear to be an impediment to their commercial success. The only upside to granting this variance is to the applicant. The rest of the neighborhood gets all the downside.

Thank you for your consideration.

Carol Greenwood
10 Kinnaird St

1 * * * * *

2 (7:48 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Daniel Hidalgo, and Zarya
5 Miranda

6 JIM MONTEVERDE: Next case is BZA-278934 -- 148-
7 150 Western Avenue. Hi. Would you like to introduce
8 yourself and tell us what you're looking for?

9 FAWWAZ ABU-RUBIEH: Good afternoon. My name is
10 Fawwaz -- F-a-w-w-a-z, last name A-b-u-r-u-b-i-e-h, 148-150
11 Western Ave. I tried to have the hood for cooking, because
12 we have the coffee shop for almost 12 years. And we'd like
13 to have alcohol if we can.

14 JIM MONTEVERDE: I think it's that simple, right?

15 FAWWAZ ABU-RUBIEH: Yes, sir.

16 JIM MONTEVERDE: Okay. And the variance is
17 necessary because under Section - the Description of Uses:
18 4.345.4.1 does not allow a restaurant in the C-1 Residential
19 Zone that you're located in. Correct?

20 Besides that it's a Nonconforming Structure.
21 That's why you're here.

22 FAWWAZ ABU-RUBIEH: Yes.

1 JIM MONTEVERDE: Okay.

2 JIM MONTEVERDE: And the other piece, since this
3 is - and because of that, it's a - it's not allowed by the
4 Use group as a special permit, which means you've got to do
5 it by a variance.

6 And for a variance, you need to talk to us about
7 the - and explain to us the substantial hardship involved if
8 this relief is not granted.

9 Can you describe that to us, please?

10 FAWWAZ ABU-RUBIEH: Yes. I have my manager. His
11 name is Hugo. He's the one that worked me for 12 years, the
12 same location.

13 HUGO: My name is Hugo. I'm the manager for
14 Fawwaz Abu-Rubieh. We'll be looking for this because it's
15 been tough for him to kind of stay in business in that
16 location with the restrictions that come with the zoning in
17 order for him to stay in business as a restaurant.

18 So one of the restrictions is he can't cook on
19 site, and so that restricts him having a hood.

20 So in order for him to have a hood, we need to
21 remove the restriction of not cooking on site. And just
22 that alone will bring a positive effect on the business

1 which, you know, it's -- it'll make it easier for our
2 business to stay afloat by being able to cook and, you know,
3 offer an extended menu.

4 And obviously, you know, the alcohol -- I mean, I
5 already started by saying, you know, it doesn't have to be
6 probably a full liquor license, maybe just beer or wine or
7 anything. But, you know, alcohol always helps a business
8 thrive, basically.

9 JIM MONTEVERDE: And how -- let's see. We have in
10 front of us the transcript from the previous case when you
11 came before. This is 2010.

12 HUGO: Yes.

13 JIM MONTEVERDE: March 2010. And --

14 HUGO: That's correct.

15 JIM MONTEVERDE: -- this is where the Zoning Board
16 gave you -- again, at that point it was a variance to
17 establish a café with 18 seats. That was approved with the
18 conditions.

19 And one of those conditions is that food may not
20 be cooked on the premises, but prepared food brought from
21 the outside establishment may be heated. And there -- that
22 was one of six other conditions.

1 So you've been able to work under those conditions
2 since 2010, it's 14 years?

3 HUGO: That -- so that came before I came as a
4 manager. It wasn't there when Mr. Fawwaz Abu-Rubieh had his
5 --

6 FAWWAZ ABU-RUBIEH: Yes.

7 HUGO: -- café.

8 FAWWAZ ABU-RUBIEH: Yes. What happened is the
9 house I have with the store is another house connected with
10 my house, 18 Kinnaird Street.

11 JIM MONTEVERDE: Yep.

12 FAWWAZ ABU-RUBIEH: The owner, he denied, because
13 he's scared for fire or something happening. We accepted
14 that. After that, four or three years later, his son sold
15 this site to us. We didn't have any problem with [unclear]
16 the house.

17 Now we have 18, 9, 20 (sic) Kinnaird Street. It's
18 far from this location. We are on the corner of Western Ave
19 and Kinnaird Street.

20 JIM MONTEVERDE: Yep.

21 FAWWAZ ABU-RUBIEH: We tried to do the best --
22 it's not like a big restaurant, it's 18 people. The

1 customers we have -- from the neighborhood. Nobody comes
2 from the other city to buy inside the store, because it's a
3 small café for the neighborhood. That's it. Not somebody
4 else. Always we have my neighbor come for dinner and they
5 ask me, "If you have beer or wine?" I say, "No, sir, we
6 don't have a license for it."

7 And all the time they say, "If you have it, we'll
8 help, because we don't want to go all the way to Central
9 Square for drinking. We enjoy the food. But still, we --
10 because we can bring something."

11 But I -- this is why I wait for 12 years. Hard
12 for us to do the business. We tried two times to change
13 from Middle Eastern food to Mexican, and still, we have a
14 brand-new problem. We have a quiet area. We never have any
15 problem for people, police, nobody complaining about
16 anything - about the trash, about the parking, about any
17 problem.

18 JIM MONTEVERDE: Okay. And at the moment, do you
19 cook elsewhere and bring it in to be heated?

20 FAWWAZ ABU-RUBIEH: Yes, sir.

21 JIM MONTEVERDE: And where do that? Where does
22 the cooking happen?

1 FAWWAZ ABU-RUBIEH: We do in the other store on
2 Mass Ave, but it's hard for us back and forth to bring the
3 food. Sometimes it's cold, and it's very hard for us by
4 back and forth. It's a tough time for us to bring the food
5 back and forth.

6 Our menu is a small menu. It's not like full
7 restaurant. It's just we have to have vents. When the
8 insurers came all the time, he told me you need to have a
9 hood, as they insisted, "You can't just do this." Because
10 all the time inside is hard. Like, the grill is working,
11 the steam table, but there's no hood there.

12 We tried to do just some breakfast, some small
13 thing. It's not like a big restaurant. It's 18 people for
14 the store. It's a small store.

15 JIM MONTEVERDE: Okay. Thank you.

16 FAWWAZ ABU-RUBIEH: Thank you.

17 HUGO: Yeah. If I could also note: So there is
18 no gas on the premises. It's all electric. So that's also
19 a little bit challenging too. So having the hood, you know,
20 would help cook in premises, but everything is electric. So
21 all the appliances will be electric.

22 But just having the hood would, you know,

1 facilitate having a fryer, which I think it's -- the Fire
2 Department requires for -- in order to have a fryer on the
3 premises.

4 And having a fryer really helps, like, expand the
5 menu to, you know, having at least for a Mexican restaurant
6 which is, you know, what I manage. It's - you know,
7 tortilla chips, chimichangas, flautas, stuff that needs to
8 be fried.

9 And yeah, so there is no gas on the premises.
10 It's all electric. So that's -- you know, that's also
11 another note, the challenge for the -- yeah, having a hood
12 really, really helps.

13 JIM MONTEVERDE: Okay. Thank you.

14 FAWWAZ ABU-RUBIEH: Thank you.

15 JIM MONTEVERDE: Anything else to present, to
16 describe to us? If not --

17 FAWWAZ ABU-RUBIEH: Everything is good. Thank
18 you.

19 JIM MONTEVERDE: Okay. Thank you. Any questions
20 from Members of the Board?

21 DANIEL HIDALGO: Can you just talk a little bit
22 about the ventilation that you would use if you were cooking

1 on premises?

2 HUGO: Right. So, like, right now the operation
3 that we were having, we cook here at the 245 Mass Ave
4 location.

5 DANIEL HIDALGO: Yeah.

6 MANUEL PRIETO: So here we do have everything. We
7 have hood, you know. And it's -- it's everything's gas and
8 so we cook everything here. We would treat that location
9 more as of having like a food truck of sorts.

10 DANIEL HIDALGO: Mm-hm.

11 MANUEL PRIETO: So, you know, for having a food
12 truck, you know, you cook everything on your restaurant, on
13 a brick-and-mortar restaurant, and then you just load up the
14 food truck. And the food truck will also have a -- you
15 know, a hood which does the ventilation.

16 But on this Western Ave location, there is no
17 hood. So -- and there is basically no ventilation. So we
18 can't -- this is where one of the restriction comes where we
19 can't cook on site, due to -- you know, the location not
20 having any ventilation.

21 So we could only have a limited menu, which would
22 consist of -- you know, serving cold items or warm items,

1 which would be like a burrito, which --

2 DANIEL HIDALGO: Mm-hm.

3 MANUEL PRIETO: -- we could bring all the food to
4 a steam table. And putting together a burrito, I mean
5 everything's already hot onto steam table. You put it in
6 the tortilla, you would heat it on the electric grill. And
7 then you just wrap it up.

8 And so, I mean the burrito and basically all the
9 items on the limited menu would be just, you know, following
10 the guidelines of having that limited menu due to be, you
11 know, not having the ventilation.

12 So yeah, so by having a -- you know, installing a
13 hood would really help by, you know, helping us expand the
14 menu and, you know, just being able to cook there, instead
15 of like, you know, cooking everything on the other location
16 and bringing everything, you know, in the morning,
17 replenishing everything in the afternoon, and then bringing
18 everything back at night.

19 So the way we balance things would be, you know,
20 we do all the cooking here, and we would do all the prepping
21 there. Like, all the -- you know, lettuce, tomato, you know
22 peppers, sauces that could be prepped on that location.

1 And you would, you know, use the -- you know,
2 transfer times would be, mornings, afternoons, and nights to
3 kind of like use the space to kind of like help us alleviate
4 the prepping on this location, because we did all the
5 cooking on this location.

6 So it's -- it's a big operation basically to kind
7 of like get to that balance of going back and forth.

8 But yeah, so having basically a hood would get rid
9 of all the back and forth and everything will be like, you
10 know, cooking beans, rice. Just not, you know, big cooking
11 basically, having some of the meats.

12 And also, the volume of cooking will be smaller,
13 because it's not as busy as our Mass Ave location here, you
14 know. So yeah, that's how we handled stuff in the past few
15 months.

16 JIM MONTEVERDE: Daniel, does that answer your
17 question?

18 DANIEL HIDALGO: Well, just because some of the
19 neighbors seemed to express concern about some of the
20 smells, et cetera. And I just want to know if, you know, is
21 there any way to -- I just wanted to hear a little bit about
22 how you plan to deal with that kind of thing with -- if

1 you're doing increased cooking on site.

2 HUGO: You mean like all the -- I'm sorry, did I
3 hear you right, all the smells?

4 DANIEL HIDALGO: Yeah, the smell. I mean, I --
5 you know, this is just because -

6 HUGO: Right.

7 DANIEL HIDALGO: -- I thought the neighbors
8 expressed concern about that. So I was just curious.

9 HUGO: Yeah. Well, I mean --

10 FAWWAZ ABU-RUBIEH: The hood will go all the way
11 up to the roof.

12 HUGO: Right. So the way I -- I mean the way I
13 think about it, I mean down the street there's Basta Pasta,
14 which is a full gas working restaurant. I don't know if
15 there's any complaints from them.

16 But [unclear], usually the exhaust won't be on the
17 side of the building or anything like that. It will go to
18 the top of the building. And usually how heat works, it
19 always finds its way out.

20 So the smell's going to really, you know, come
21 down after they come out of the exhaust, which is -- it's
22 not really heavy smells, I guess. It's just cooking smells.

1 Like, you know, there's no gas anyway, so it will only be
2 food smells, and I don't think it would impact the
3 neighborhood having the exhaust on top. It's how usually
4 the vents --

5 JIM MONTEVERDE: So is that your intention that
6 you'll be installing a kitchen exhaust that will go up to
7 the roof of the building?

8 FAWWAZ ABU-RUBIEH: Yes, sir.

9 JIM MONTEVERDE: Okay. The reason we're asking is
10 that we just don't see that --

11 FAWWAZ ABU-RUBIEH: Yeah.

12 JIM MONTEVERDE: -- documented anywhere in the
13 drawings that you've submitted.

14 STEVEN NG: I would think that if you're planning
15 to have a fryer, and I guess regardless of whether it's
16 electric or not, you'd probably have a pollution control
17 unit that goes with the exhaust, correct?

18 FAWWAZ ABU-RUBIEH: Right.

19 STEVEN NG: So I mean, yeah.

20 HUGO: Yes.

21 STEVEN NG: Yeah, I think that's something -- and
22 then it kind of expands out, because with the food prep, you

1 need a waste management plan and, like, what -- you know,
2 you're really increasing the intensity of what you're doing
3 at the restaurant. So I think that's something we should
4 ask for or to be able to --

5 JIM MONTEVERDE: Yep.

6 STEVEN NG: -- make a better decision. More
7 information so we can make a decision.

8 JIM MONTEVERDE: Yeah. Let me repeat, I'm looking
9 at the decision from 2010. Let me just for the Board's
10 benefit and for the proponent go through the six items that
11 were listed as a condition -- conditions and see if in fact
12 the only condition is the one dealing with cooking food on
13 the premises, because I don't think so.

14 The one is that the property be used only for a
15 café. It essentially serves a café menu. For example, hot
16 and cold drinks, soups, salads, and sandwiches. So that's
17 really not what you intend to do anymore in terms of your
18 menu.

19 STEVEN NG: Right.

20 JIM MONTEVERDE: Two is that food may not be
21 cooked on the premises, but prepared food brought from the
22 outside establishment may be heated. That again is not what

1 you intend to do.

2 Three, that the petitioner provide within the
3 premises a trash receptacle for customers to dispose of
4 their trash. And obviously, I think Steven, as you were
5 describing, the need for that will increase with cooking
6 within the walls of the establishment.

7 Four, that the petitioner make reasonable efforts
8 to make sure that people use the receptacle, and when they
9 do not, to keep the neighborhood as clean as possible.

10 Five, that no dumpster or other waste disposal
11 facility be maintained outside the premises, and that waste
12 be removed from the premises in another manner.

13 And six, that hours of operation cannot be any
14 earlier than eight in the morning and no later than ten
15 o'clock at night.

16 So are you still proposing to be open the same
17 hours, 8:00 a.m. to 10 p.m.?

18 FAWWAZ ABU-RUBIEH: Yes, sir.

19 JIM MONTEVERDE: And trash: Will you have trash
20 receptacles within the footprint of the building for both
21 customers and then for your kitchen waste as well?

22 FAWWAZ ABU-RUBIEH: Yes.

1 JIM MONTEVERDE: Okay. That's not in the plan we
2 have up in front of us. Is this the existing plan or the
3 proposed plan that we're looking at? Do you know?

4 HUGO: This is the proposed plan.

5 JIM MONTEVERDE: Okay. So where's the kitchen
6 portion that you're proposing to cook in? Or where will
7 cooking happen in this plan?

8 FAWWAZ ABU-RUBIEH: It's in this one.

9 HUGO: Yeah. where the - on the bottom part of
10 where their -- that's the hood basically, where the hood
11 would be -- that's where, you know, the cooking would take
12 place.

13 The washing area's on the bottom left. Then the
14 bathroom, the two entrances on the right are one for the
15 kitchen and one for the dining room. And it'll be the
16 countertop sitting on the right middle path. Then some
17 sitting on the back part.

18 JIM MONTEVERDE: Okay. So there are other
19 interior improvements that aren't shown on this plan yet?

20 HUGO: Yeah. Well, it's --

21 JIM MONTEVERDE: Right.

22 HUGO: -- it - almost, yeah, the same setup. It

1 would just, you, one of the [unclear] walls would have to be
2 taken down.

3 JIM MONTEVERDE: Okay. And you'll have a space
4 within the walls of your establishment to store trash?

5 FAWWAZ ABU-RUBIEH: Yes. The driveway.

6 HUGO: Right. So, we'll - inside, you know, we
7 have garbage receptacles. And there's room on the Kinnaird
8 side that we could accommodate for the receptacles, which
9 has no -- it doesn't come in contact with any of the
10 neighbors or on the same driveway on the -- you know, on the
11 more by where the hood side is.

12 JIM MONTEVERDE: And that there will be no
13 dumpsters or other waste disposal facility outside of the
14 premises?

15 HUGO: No.

16 JIM MONTEVERDE: Right?

17 HUGO: Yeah, like I said -- like, for us, you
18 know, it's -- it's -- we wouldn't be doing -- I mean, I
19 think we would expect almost the same volume of business as
20 what we've had, just because most of our business is -- you
21 know, the neighborhood, is just the logistical kind of like
22 part of it which is, you know, instead of doing all that

1 work of bringing things back and forth, you know, and just
2 kind of like doing the cooking in the premises.

3 And yeah, like, for -- you know, by adding the
4 hood, that would facilitate the fryer and kind of like
5 expanding the menu, which a lot of the customers have
6 expressed, you know, interest in -- you know, having some
7 fried items and such.

8 There is always, you know, like here on the 245
9 Mass Ave location, we have the -- the hood cleaning company
10 come. I mean, I think the license -- well, the Inspectional
11 Services, they come and check it at least I think they're
12 required every six months to be cleaned.

13 But we do it every three months, because here it's
14 high volume. Over there, I don't know if that -- you know,
15 it's a really smaller volume, you know, compared to what we
16 have on Mass Ave.

17 So I don't think it would just -- you know, it
18 would impact that much the volume of business that we do
19 have. It will just be the logistical -- you know, work that
20 we put into it.

21 JIM MONTEVERDE: Okay. Any other questions from
22 Members of the Board? If not, I'll open it up to public

1 commentary.

2 We have in the file a few letters from neighbors.
3 We'll start with those. From Carol Greenwood at 10 Kinnaird
4 Street, in opposition to the variance to cook, and
5 especially to serve liquor.

6 And then I'll just quote one piece of it.

7 "Contending with another cooking establishment at
8 the other end of our short block, especially one serving
9 liquor and serving it outdoors is an unnecessary burden on
10 the short block in a jam-packed residential neighborhood."
11 That's one speaking in opposition.

12 And there's a letter dated September 23 from
13 Jennifer Brill, 138 Western Avenue. They raise several
14 concerns with the proposal to -- sorry, to allow a kitchen
15 and alcohol.

16 They raise the issue of rats from trash from the
17 food being cooked. Concern about parking -- parking in the
18 neighborhood, taking spaces away, noise, cooking fumes and
19 cigarette smoke.

20 And then precedent. They're also very concerned
21 about the precedent this would set for the location being
22 for other types of alcohol-related venues in the future.

1 And to quote, "I believe that the addition -- a
2 working kitchen and a liquor license would serve to
3 exacerbate these problems as well as add new ones, and
4 significantly detract from the neighborhood, rather than
5 enhance it. It is not suited for a full-service restaurant
6 with a liquor license." That's the second.

7 Third is Barry Brodsky and David Gunther at 16
8 Kinnaird Street. They strongly oppose the granting the
9 relief to allow cooking inside their restaurant and to serve
10 alcohol. They raise similar issues of the rat -- concern
11 about rats from the cooking and from the trash management.

12 And also concerned about increased smoke, which
13 often accompanies. This is actually from cigarette smoke I
14 think from companies -- diners drinking alcohol, smoking,
15 and the noise. And this will negatively impact the quality
16 of our lives and those of our neighbors. So those are three
17 -- three in opposition that are in the file.

18 And then we have one dated today from Mayor Denise
19 Simmons, "writing to express my strong support for the
20 Zoning Variance." And I'll summarize it like that. We don't
21 need to get into the details. That's what we have in the
22 file at the moment.

1 So I will open it up to public comment.

2 Any members of the public who wish to speak should
3 now click the icon at the bottom of your Zoom screen that
4 says, "Raise hand."

5 If you're calling in by phone, you can raise your
6 hand by pressing *9 and unmute or mute by pressing *6. I'll
7 now ask Staff to unmute the speakers one at a time. You
8 should begin by saying your name and address, and Staff will
9 then confirm that we can hear you. After that you will have
10 up to three minutes to speak before I ask you to wrap up.

11 OLIVIA RATAY? Jennifer Brill?

12 JENNIFER BRILL: Hi. I just wanted to add a
13 couple of things to -- one of those was my letter.

14 JIM MONTEVERDE: Yep.

15 JENNIFER BRILL: So one thing that hasn't been
16 mentioned at all is all the outdoor seating, which is --
17 definitely factors into this. There's a lot of outdoor
18 seating, and I assume that's also where the -- a lot of the
19 drinking as well as eating would be.

20 So that's partly what the noise issue is about, as
21 well as kind of trash and just people sort of hanging out
22 and drinking, like, right outside my house.

1 The other thing is unfortunately it's not --
2 doesn't seem to me to be true that it's just sort of
3 neighborhood people coming. Because I -- we don't have a
4 driveway. I often have already a very difficult time
5 parking when the the restaurant is working. And it's not
6 even all legal parking. It's not even just people from
7 Cambridge.

8 When -- I think it's been a lot of takeout
9 business, though sometimes I can kind of sit and wait until
10 whoever's picking up food leaves. But with a full kitchen
11 and drinking, presumably there would be a whole lot --
12 people would stay a lot longer, and the parking issue would
13 be a whole lot worse.

14 I also, I wasn't clear on the answer about a
15 dumpster. I'm already paying \$1,000 a year to a pest
16 control company to manage the rats, and there's still a rat,
17 though I wanted to get a clearer answer on how -- I assume
18 there would be more trash.

19 And -- well trash, but also just food waste from
20 the prepping. And I'm a little concerned seeing that the
21 vent and the fryer would be sort of right up against the
22 side where I live.

1 So, you know, as I said in the letter, I fully
2 trust that the owners would do their best to control all of
3 this. But I honestly just don't believe that it's
4 manageable in that space for -- with all of those problems.

5 I mean, when I moved into the neighborhood, it was
6 a barber shop and kind of served as like a -- you know, a
7 nice community hub. But, you know, people went home at
8 night, there was parking.

9 And it's kind of -- it feels like this is a very
10 slippery slope. First there was a variance to have sort of
11 a café-style type thing, then there's outdoor seating. Now
12 we're talking about a full kitchen and a liquor license. I
13 just don't see it working without really causing a lot more
14 problems for the neighbors.

15 And it's -- you know, we're not -- there's no
16 shortage of food or alcohol within walking distance already
17 so I don't feel like it serves the neighborhood in any way.
18 I feel like there's a lot more detriment than benefit,
19 unfortunately.

20 Because like I said, I mean, we've been good
21 neighbors. And I don't want to hurt their business, but I
22 really believe that --

1 JIM MONTEVERDE: Yep.

2 JENNIFER BRILL: -- it's just not appropriate for
3 that corner and for right next to us.

4 JIM MONTEVERDE: Okay. Thank you for your
5 comments.

6 OLIVIA RATAY: Lia Eggleston?

7 LIA EGGLESTON: Hi. My name is Lia Eggleston. My
8 address is 292 Western Avenue. So I'm a few blocks down on
9 Western. Oh, can folks hear me? I'm so sorry.

10 JIM MONTEVERDE: Yes, we can.

11 LIA EGGLESTON: Okay. Gotcha. Yeah. I wanted to
12 speak in favor of the variance. For the -- sorry, I didn't
13 come with prepared comments, so just bear with me here. I
14 mostly wanted to speak in favor of the restaurant and the
15 business that has been there for since I've lived in this
16 area.

17 It's been, like I said, I would agree with the
18 statement that it's a neighborhood place. It's been
19 important -- very important to me and to everyone I've
20 talked to in the area that goes there frequently. And it
21 honestly feels like an important space for community
22 gathering.

1 And I have also seen a lot of other local
2 restaurants go out of business in the years that I've been
3 in Cambridge. And I think it's really unfortunate every
4 time. I know it's a hard place to keep a business. But I
5 think that helping prevent that would be great in this case.

6 I also, like, specifically around this business --
7 I think we've had some of the most affordable, good quality
8 food in the area. And I think that, like, sustaining that
9 and helping keep their costs down is actually a really good
10 thing for a restaurant in the Central Square area.

11 Because I think another speaker pointed out that
12 there is a lot of food in the area, which is true. But
13 quite frankly, very few affordable spots.

14 And I also -- I don't know the Zoning specifics of
15 the block, but I would just note the fact that there is
16 another full restaurant on the same block as well as a few
17 blocks down on Western that do have full kitchens.

18 And I understand that having multiple in the same
19 block can be a lot, but I also don't think it's fair to kind
20 of give more zoning preference to one than the other,
21 because they're on the same block.

22 And yeah. Also, just on the point about rats, I

1 do hear although to be honest, I do see rats everywhere in
2 this area along this street. Sometimes more in the
3 residential areas than -- like basically it doesn't feel
4 like they're more in one area than another. But also, a
5 very fair point about the trash policy.

6 I would hope that, like, as long as their plan for
7 trash does not change with the new building plans that that
8 issue could be addressed, and that would definitely be
9 something to, like, be specific about. But I would hope
10 that that may address rat concerns.

11 But yeah, overall, just wanted to speak in favor
12 strongly of this business existing and like, just, of its
13 contribution to the neighborhood in general.

14 JIM MONTEVERDE: Okay. Thank you for calling in.
15 And that's all we have. I will close public testimony.
16 Discussion among Members of the Board?

17 STEVEN NG: So I guess if we grant the variance to
18 the proponent, they're still subject to complying with say
19 Board of Health requirements, the whole list of things that
20 come along with cooking on the premises.

21 And I don't know where the pollution control
22 exhaust design comes into play with that, but I guess that's

1 with ISD, correct?

2 JIM MONTEVERDE: Technically.

3 STEVEN NG: Yeah.

4 JIM MONTEVERDE: You know, that has to be
5 submitted and approved. Although -- but continue your
6 thought before I interrupt.

7 STEVEN NG: So it's -- yeah, I'm just, you know,
8 seeing the floor plan and knowing all the things that kind
9 of come along with when you're doing a full kitchen now,
10 it's quite an endeavor to be in compliance.

11 But I think that's going to be probably a very
12 difficult, you know, task to take that on and be able to
13 meet all those requirements.

14 But I know in the area there's definitely quite a
15 few establishments in the area. It's kind of a few
16 restaurants right within a block or two of this location.
17 And I'm kind of feeling the pain of kind of the direct
18 abutters with that exhaust issue.

19 But I don't know if there's -- I know there's
20 technology that can kind of do a pretty good job with the
21 exhaust in terms of smell and stuff like that. But that's
22 kind of what's on my mind is that immediate impact.

1 JIM MONTEVERDE: Yeah. I think it's more about
2 what is not documented in the proposal; that, you know --
3 you just raises those questions. And we just want to be
4 careful.

5 STEVEN NG: Correct.

6 JIM MONTEVERDE: Anyone else have any discussion
7 to offer?

8 DANIEL HIDALGO: I guess one question I have is
9 what I guess jurisdiction or authority do we have over the
10 alcohol issue? Because isn't that -- you know, an alcohol
11 license a separate Board? So I just want to ask.

12 JIM MONTEVERDE: But they're -- yes, but they're
13 basically -- we can -- it's the conditions that were put on
14 this before, previously.

15 DANIEL HIDALGO: Oh, I see. Okay.

16 JIM MONTEVERDE: And in essence, they're asking
17 for those to be lifted. So I think we have the right to
18 comment on the use --

19 DANIEL HIDALGO: I see. Okay.

20 JIM MONTEVERDE: -- that involves, and then
21 certainly they have to comply and apply to the liquor --
22 this doesn't get them a liquor license.

1 DANIEL HIDALGO: Right. Right, right, right,
2 yeah. Just want to be clear about that.

3 JIM MONTEVERDE: It's really just the use. So
4 they have several steps to go through if we were to approve
5 what they're asking for.

6 DANIEL HIDALGO: Yeah.

7 HUGO: So if I could --

8 JIM MONTEVERDE: Nope, nope, hold on. Just hold
9 back. This is -- for right now, it is a discussion among
10 Board Members, and then we'll let you come back in for a
11 second.

12 So anything else from Board Members?

13 ZARAYA MIRANDA: I was going to second what Steven
14 mentioned regarding Western Ave already having a few
15 restaurants on the block.

16 It is a very urban neighborhood. And therefore, I
17 would be in favor of granting this, understanding that
18 obviously they have to go through Board of Health and, you
19 know, have things be done correctly.

20 But if we're discussing -- if we're voting on use
21 here, I would be leaning towards in favor.

22 JIM MONTEVERDE: Okay. Thank you. Anyone else?

1 VIRGINIA KEESLER: I agree with Zarya.

2 JIM MONTEVERDE: Okay. That leaves me. So my
3 comment or concerns, really, are I'm struggling to put
4 together the basis for a variance. The hardship -- it's the
5 hardship.

6 I can understand how it may be an improvement; may
7 be desirable from a business sense. But given that they've
8 operated this way for 14 years, I don't get the sense -- I
9 don't -- I'm not hearing about a hardship that I can hang my
10 hat on and speak to when we come to a motion. That's one.

11 Two, I think the plan that's presented -- I could
12 be wrong, but -- the original plan said -- I think it said
13 18 seats. So when I count that plan, there's 18 seats on
14 it. I don't know this that's the new floor plan. Or if it
15 is, it's missing a whole lot of info about what this kitchen
16 element is, and where is alcohol, and where is it served and
17 how?

18 I just think there's a part of the plan -- the
19 lower part of the plan, if you will -- that's kind of
20 undeveloped.

21 And if I heard the description correctly, there's
22 a -- I'm assuming there's a staff bathroom down there,

1 there's a room to store trash, there's probably cold storage
2 for food. None of that shows up on that plan.

3 And those are elements that we've seen on other
4 restaurants that have come before us that enable us to have
5 a comfort level that we know what we're acting on.

6 At this point, I'm concerned that what I'm being
7 asked to act on is more what I've heard verbally and not
8 what's on the plan. So the whole exhaust, I don't know what
9 it is, I don't know where it is, I don't know how it's done.

10 Even though I know they have to submit it to the
11 Building Department, I have nothing to review to say that
12 I'd be in favor of changing the variance conditions from
13 previously to allow them to cook food. I don't see that in
14 the plan.

15 So I'm just not comfortable yet. And, you know,
16 to me it could be a continuance to let the proponent go back
17 and get more information on the plan and come up with more
18 of a written description that we can attach to our motion
19 that addresses the six items that were conditions that were
20 put on this originally, and basically outline how they're
21 going to deal with trash and deliveries and trash from the
22 people who were in the restaurant, trash from the cooking

1 process, how they're going to deal with rodent control, how
2 they're going to deal -- what are their hours of operation,
3 which I think they told us, and what do they intend to be
4 serving in terms of food?

5 Because I think I heard prep work would be done at
6 a Mass Avenue location, not here. So this sounds like it's
7 -- I don't -- I'm not the chef. I don't know if that means
8 all of this warming, which I assume is what they already
9 had. I'm just unclear on too many specifics to feel
10 comfortable to say, "Yes, let's do this."

11 And I may be just one out of five. So that's my
12 concern.

13 STEVEN NG: Gotcha. Jim, I agree with you. And I
14 also do want to support the business. But I think we've got
15 to make sure they're showing us the right information; that
16 they're on the right track.

17 Right now, I think if we approve it, it's wide
18 open. We have no idea what they're really - how they're
19 really going to do some of those things.

20 So I think we -- I would recommend they -- we
21 request them, the applicant, to just provide that additional
22 information.

1 JIM MONTEVERDE: Okay.

2 STEVEN NG: Otherwise, I --

3 JIM MONTEVERDE: No, that's --

4 STEVEN NG: -- like.

5 MARK GALLAGHER: -- a good read of the tea leaves.

6 So if the proponent can come back online or on the phone,
7 let me just give you my read of what we're discussing here
8 if all of this -- I'm probably speaking in code here, but
9 what we're -- you need four out of the five of us to approve
10 this to pass. If two of us object, it's denied, and you
11 can't come back for two more years without a substantially
12 different proposal.

13 What we're -- since two of us have already spoken
14 about some concerns with wanting to be supportive of your
15 business and what you're trying to do, but really asking for
16 more information that you've described to us verbally, but
17 we're not seeing in the documentation presented. What I'm
18 suggesting, and we have two paths forward; we can continue
19 this case and allow you to update the one plan that you
20 submitted, so we can see more clearly -- again, we've seen
21 other restaurant plans where they're very detailed in terms
22 of everything that's going to be in the restaurant.

1 Where's the staff bathroom? Where's the trash
2 being held? Where's the cold storage? Where's the - what
3 are the cooking, you know, what is the cooking line?
4 Where's the counter? Where's the liquor? Where's the
5 liquor? Where is it being served? Where is it being mixed?
6 Those types of things that would show up simply in plan that
7 don't show up now that you've kind of described to us.

8 Anyway, one is to continue so you could put that
9 information together to present to us. Also, for you to
10 look at the -- and reply to the six conditions that were put
11 on the approval previously and just tell us how those are
12 going to be addressed; how those will be revised, how you'll
13 deal with the trash management, the exhaust.

14 If you're doing prep work elsewhere, then what
15 does that mean that you're doing within this restaurant?
16 Just to put that on the record. So it's not us having a
17 conversation with you verbally, but it's you submitting
18 something that we have on the record. Anyway, that's one --
19 asking for a continuance.

20 The other one is to just go ahead with a vote. I
21 make a motion for the variance, and I think you've heard
22 there are at least two of us who are wavering in support.

1 And I think that my concern is that would mean you'd
2 potentially be turned down.

3 But that choice is up to you. I can't think of
4 anything else. Anything else? You don't want to withdraw.
5 No. So it's a continuance. Again, answer the questions
6 you've heard, give us a fuller plans that show the exhaust,
7 that shows the layout of the kitchen, or we go ahead with a
8 vote, and you take the chance you might not get approved.

9 It's your choice. Either one of you.

10 HUGO: All right. Yeah. Thank you, Mr. Chair.
11 So I would love to address a couple of things. We probably
12 would like to ask for a continuance.

13 JIM MONTEVERDE: Yep.

14 MANUEL PRIETO: But just to give you a little more
15 insight about all this process, like Mr. Fawwaz said and you
16 guys know, this was set in 2010 with all those restrictions.
17 I came to manage the restaurant in 2012, the Mass Ave one,
18 this one -- in 2013, a year later. That's when I started
19 managing the Western Ave, making it Mexican style.

20 And we actually -- you might have it on record,
21 you should have it on record, maybe not right now, but we
22 did actually ask for a full liquor license and a change of

1 zoning. Well, I don't -- I don't think it was a change of
2 zoning. It was just a full liquor license.

3 And at that time, we also had -- it was what it seems
4 to me probably three times, you know, as much as opposition.
5 But we had so much overwhelming support that we actually got
6 granted by the City of Cambridge the full liquor license.

7 So once we were getting all the signatures to
8 start getting, you know, everything ready for the liquor
9 license, we -- we bumped into the last signature to apply
10 the full liquor license, which was the Zoning signature.

11 When we went to the Zoning, they actually went and
12 looked at the zoning, and that's when they found out, "You
13 know what? This zoning is commercial, nonalcoholic."

14 JIM MONTEVERDE: Yeah. Okay.

15 MANUEL PRIETO: "You need to switch to it." But we
16 had already --

17 JIM MONTEVERDE: Correct.

18 MANUEL PRIETO: -- gotten granted a full liquor
19 license. So --

20 JIM MONTEVERDE: Well, I don't know that you --

21 MANUEL PRIETO: That was --

22 JIM MONTEVERDE: -- had a full liquor license, if

1 you didn't have the final signature. You were pretty far --

2 MANUEL PRIETO: Right, but --

3 JIM MONTEVERDE: -- down the road, but.

4 MANUEL PRIETO: Right. We got approved for it.

5 JIM MONTEVERDE: Yep.

6 MANUEL PRIETO: In April.

7 JIM MONTEVERDE: And that's why you're here
8 tonight.

9 MANUEL PRIETO: Right, so.

10 JIM MONTEVERDE: One of the reasons.

11 MANUEL PRIETO: It's one of the reasons, yes. So
12 when we wanted to do a zoning change, we actually didn't go
13 through with this. You know, I told them, "You know what,
14 you should wait. You should keep doing the business that
15 you're doing. You know, you should keep it the Middle
16 Eastern place that you have right now."

17 So, you know, because there's a lot of neighbors
18 that are opposing, and I know if it got approved in the
19 License Commission, it might not get approved in Zoning.

20 But just to give you, like, an idea of that trash
21 concern, I think it would have -- you would have had
22 already, you know, a lot of complaints on record in these 14

1 years of business if, you know, we hadn't dealt with the
2 trash concern.

3 Which, I mean, this is already operational. Every
4 night in the past five years since I've operated there, I've
5 always taken the trash every night just the same way we take
6 the food, you know, back and forth.

7 Every night we would take the trash for the day,
8 you know, because --

9 JIM MONTEVERDE: Yep.

10 MANUEL PRIETO: -- that's one of the restrictions
11 that we have to take care of it.

12 JIM MONTEVERDE: Yep.

13 MANUEL PRIETO: So we are very diligent of that.
14 So that would actually --

15 JIM MONTEVERDE: Yeah. Just so you understand:
16 none of the discussion this evening is casting any
17 aspersions on the operation that you have, that you're
18 operating under the conditions that were given to you on at
19 2010.

20 And we're -- you know, the correspondence that
21 we're reading: These aren't complaints about your current
22 operation; these are concerns about if it includes a kitchen

1 and if it includes alcohol.

2 So I hear what you're saying, and we're -- I mean
3 really what I'm endeavoring to do is to stop talking about
4 it and ask you to take a step back with whatever support you
5 need to get the plan more fully developed to indicate all
6 the items that are on that plan that indicate a full-service
7 restaurant with alcohol service, and address the six items
8 that were listed in the previous variance, the condition.

9 And tell us how you're going to manage those, or
10 how those are going to be different.

11 MANUEL PRIETO: Right.

12 JIM MONTEVERDE: And if they're different, how are
13 you going to manage it. So just not to talk to us about it,
14 but to put something in writing that we can then respond to.

15 MANUEL PRIETO: Okay, so yeah, I can put it in
16 writing, yeah.

17 JIM MONTEVERDE: That's it. And the plan, you
18 just -- you need some development of the plan to show all
19 the equipment that you'll have. It's just I described it
20 before. I -- and if you want me to repeat it I will, but
21 otherwise I don't think I need to.

22 And you need to spell out for us what the exhaust

1 system is that you propose to have, and the fact that it
2 goes to the roof or how it's -- how you're going to do that,
3 just so you can answer those questions. Okay?

4 HUGO: Yeah.

5 JIM MONTEVERDE: Now, let's pick a date. So we
6 can - this is September 26. We have -- we can do this at a
7 meeting on October 24 or November 7 or November 24. Really
8 it all depends on you, how much time you want to get this
9 together.

10 FAWWAZ ABU-RUBIEH: October.

11 JIM MONTEVERDE: Say that -- repeat that, please?

12 FAWWAZ ABU-RUBIEH: We'll take by October 24.

13 JIM MONTEVERDE: October 24?

14 FAWWAZ ABU-RUBIEH: Yes, sir.

15 JIM MONTEVERDE: Okay. Will everyone tonight,
16 since this is a case heard, correct? -- be available on
17 October 24? Steven?

18 STEVEN NG: Yeah, I should be.

19 JIM MONTEVERDE: Okay. Virginia?

20 VIRGINIA KEESLER: Yes.

21 JIM MONTEVERDE: Zarya?

22 ZARAYA MIRANDA: Yes.

1 JIM MONTEVERDE: I'll learn to pronounce your name
2 by then. Daniel?

3 DANIEL HIDALGO: Yes.

4 JIM MONTEVERDE: And I will -- okay. So we're
5 going to continue. Let me make a motion to continue the
6 matter until October 24, 2024 and the new time at 6:00 p.m.

7 Also, that the petitioner sign a waiver to the
8 statutory requirements for the hearing. This waiver can be
9 obtained from Maria Pacheco or Olivia Ratay at the
10 Inspectional Services Department. I ask that you sign the
11 waiver and return it to the Inspectional Services Department
12 by a week from this coming Monday.

13 Failure to do so will de facto cause this Board to
14 give an adverse ruling on this case.

15 Also, that if there are any new submittals,
16 changes to the drawings, dimensional forms, or any
17 supporting statement, that those be in the file by 5:00 p.m.
18 on the Monday prior to the continued meeting day.

19 On the motion to continue this matter until
20 October 24, 2024, Daniel?

21 DANIEL HIDALGO: Yes. Yep.

22 JIM MONTEVERDE: Okay. Zarya?

1 ZARAYA MIRANDA: Sorry. Zarya Miranda in favor.

2 JIM MONTEVERDE: Thank you. Virginia?

3 VIRGINIA KEESLER: In favor.

4 JIM MONTEVERDE: Steven?

5 STEVEN NG: In favor.

6 JIM MONTEVERDE: And Jim Monteverde in favor.

7 [All vote YES]

8 JIM MONTEVERDE: That's five in favor. The matter
9 is continued until October 24.

10 FAWWAZ ABU-RUBIEH: Thank you.

11 JIM MONTEVERDE: Thank you.

12 FAWWAZ ABU-RUBIEH: Thank you. Have a good night.

13 JIM MONTEVERDE: You too.

14 I'm going to ask for a three-minute break.

15 (BREAK)

16

17

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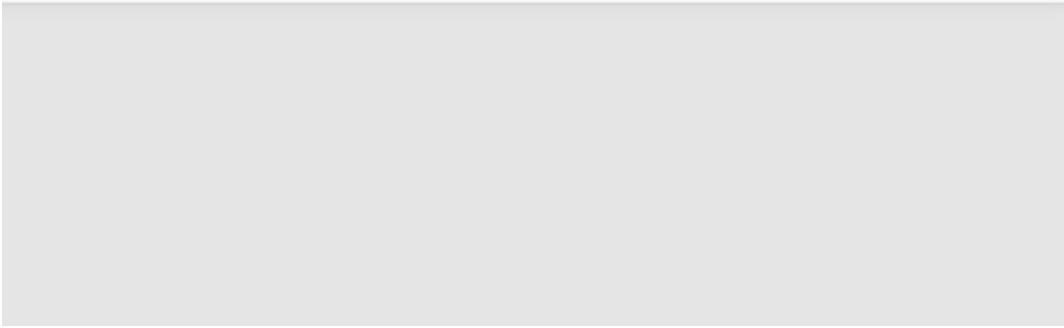
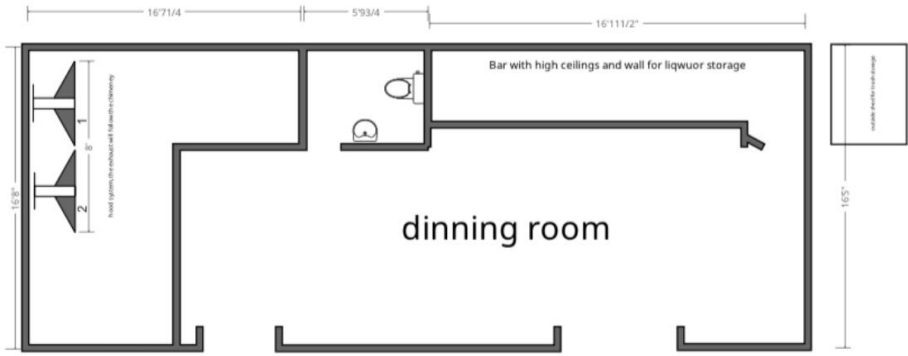
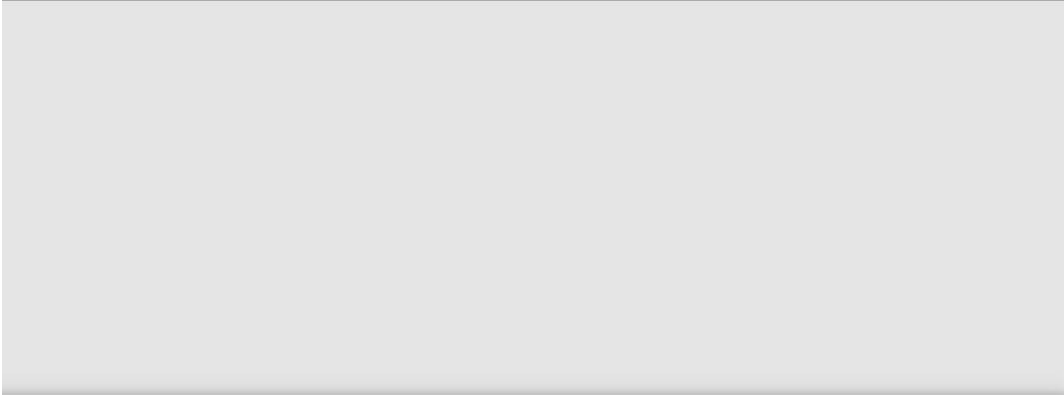








basement
door
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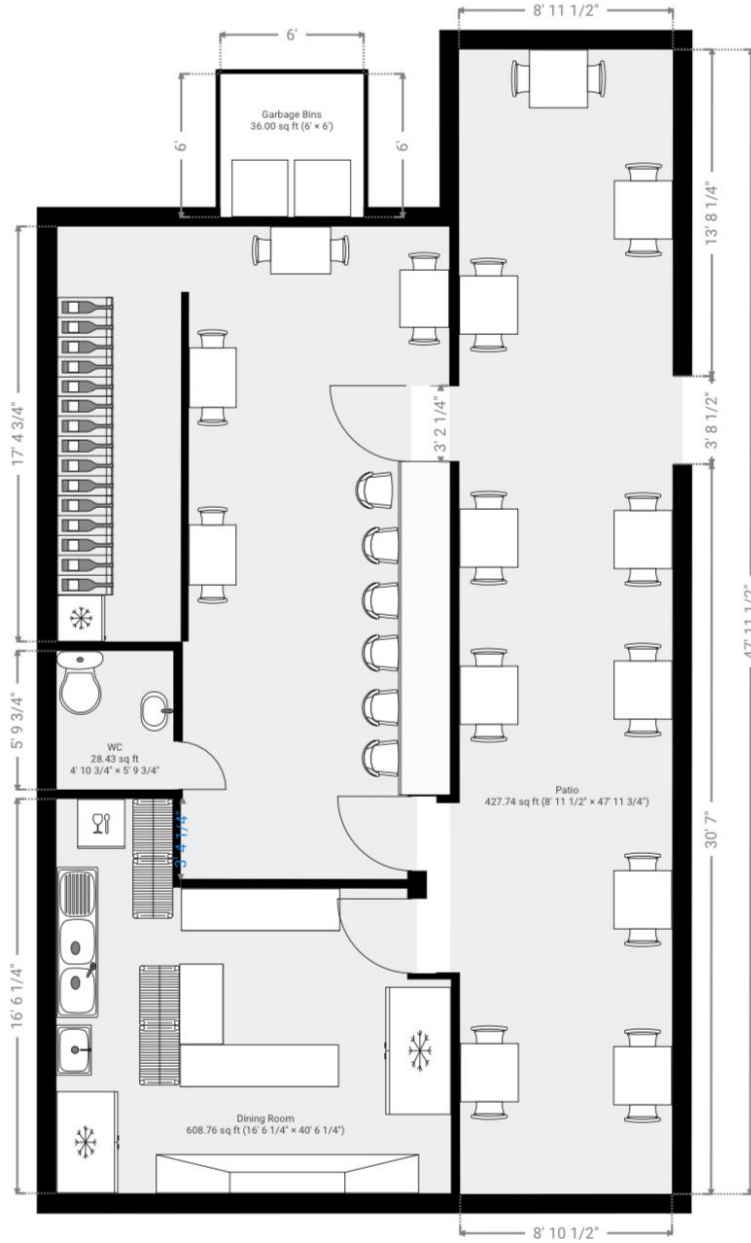
Beantown Taqueria

148-150 Western Avenue, 02139 Cambridge, Massachusetts, United States
 TOTAL AREA: 1100.43 sq ft • LIVING AREA: 1230.33 sq ft • FLOORS: 1 • ROOMS: 3



▼ Ground Floor

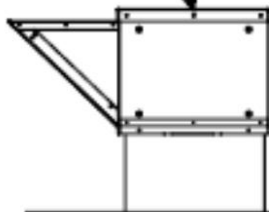
TOTAL AREA: 1100.43 sq ft • LIVING AREA: 1230.33 sq ft • ROOMS: 3



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Centrifugal Roof Supply Fan



Centrifugal Upblast Exhaust Fan
Model CUBE/CUE

Roof Curb

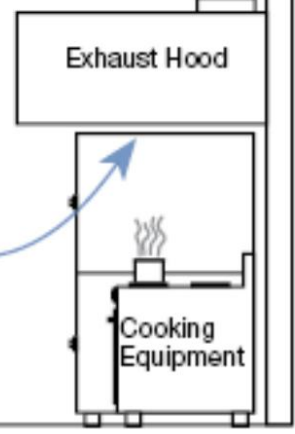


Outside Supply Air
Replacing Exhausted Air

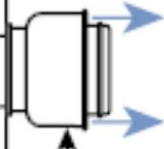


Exhaust Hood

Cooking
Equipment



Centrifugal Upblast
Exhaust Fan
Model CUBE/CUE







City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

2 Bds

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: Fawwaz Aba Rybaya h Date: 09/06/24
(Print)

Address: 148-150 Western Ave

Case No. BZA-278934

Hearing Date: 9/26/24

Thank you,
Bza Members