



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
AMIE HAYES, *PLANNER*
MELISSA WOODS, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2014-54
Date: August 28, 2014
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 271-273 Broadway

Applicant Name: 271 Broadway, Inc.
Applicant Address: 659 Haverhill Street Reading, MA 01867
Property Owner Name: Macarthur Realty Trust
Property Owner Address: 397 Main Street Woburn, MA 01801
Agent: Rich Di Girolamo
Agent Address: 424 Broadway Somerville, MA 02145
Alderman: Tony Lafuente

Legal Notice: Applicant, 271 Broadway Inc., and Owner, Macarthur Realty Trust, seek a Special Permit with Design Review per SZO §7.11.10.2 to establish a fast food use and a Special Permit per SZO §9.13 for parking relief. RC Zone. Ward 4.

Dates of Public Hearing: Zoning Board of Appeals – September 3, 2014

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 5,276 square foot lot on Broadway at the base of Winter Hill. The existing 1-story building takes up the entire lot. The Winter Hill Market, a Laundromat, and a Chinese food restaurant occupy the storefronts.
2. Proposal: The proposal is to establish a fast food use, a Subway restaurant, in the laundromat storefront. The restaurant will be 741 square feet. To establish any food service use requires parking relief. This use requires 3 spaces of parking relief.
3. Green Building Practices: None listed on the application.



4. Comments:

Fire Prevention: The Fire Prevention Bureau will probably require an upgrade to fire alarm system for the building.

Traffic & Parking: The applicant is proposing the conversion of a Cleaners business into a Subway restaurant at 273 Broadway. Per the Somerville Zoning Ordinance (SZO) three off street parking spaces are required. The applicant is not providing any off street parking spaces.

The applicant has hired a professional Transportation Consultant, Design Consultants Inc. to prepare a Parking Study. This consulting firm has submitted a well prepared and professional Parking Study.

Based on empirical data of available and occupied parking spaces during three distinct time periods on two days, the Parking Study states that there is available on-street parking spaces in the vicinity of 273 Broadway. The Parking Study was conducted within a reasonable walking distance of the proposed project. The area which was surveyed for the availability of the on street parking spaces was a reasonable area to conduct a survey.

This Parking Study concludes that there is available on street parking spaces in the vicinity of 273 Broadway for the three parking spaces not being provided. Based on the submitted Parking Memorandum, Traffic and Parking does not disagree with this assessment.

Traffic and Parking has no objections to this application.

Ward Alderman: Alderman Lafuente held a neighborhood meeting regarding this proposal, no comments have been provided at this time.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.10.2 & §9.13):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

Section 7.11.10.2 requires a Special Permit with Design Review to establish a fast order food establishment with no drive-up service. Parking relief is also required to establish this use. There is no parking associated with the building. Per SZO §9.4 when there is a change in use without a change in floor area, the old parking requirement is subtracted from the new parking requirement and then divided by two. This makes the new parking requirement.

<i>Use</i>	<i>Parking Calculation</i>	<i>Required Spaces</i>
Laundromat	1 per every 450 sf	2

Food Service	1 per every 110 gsf	741/110 = 6.7
§9.4 Modification	(Old Req. – New Req)/2	7-2 = 5/2 = 2.5 or 3 spaces

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RC district, which is, "to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district."

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

Relief of 3 parking spaces will not cause detriment to the purposes of the article. There is a metered city lot in front of the building that is shared by business owners, employees, and visitors of the district. The parking memo supplied found that there is sufficient parking in the area to accommodate the relief.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

The surrounding neighborhood is a mix of uses. The majority of the Broadway corridor has first floor service uses, some with residential above. This area of Broadway is exceptionally wide and has parking lots and parallel parking. The subject property is in next to Foss Park.

There are no impacts to the proposal. The fast food use is of minimal impact since it is occupying a vacant storefront and will not have a drive through. The signage is in context with the Broadway corridor. Parking at metered spaces is typical for storefront uses along the Broadway corridor.

5. Vehicular and pedestrian circulation: *The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.*

Parking relief of 3 spaces will not affect the vehicular and pedestrian connections that exist at the site. Vehicles for the storefronts at 271-273 Broadway will most likely park in the metered lot in front of the building. A condition of this report is that the Applicant install a bike rack in the vicinity of the project.

6. Fast food establishments: *In special permit applications for fast-order, take-out or automobile oriented food service establishments, there shall be establishment of a need for such a facility in the neighborhood or in the City, and impacts on traffic circulation, parking and visual, physical, or historical characteristics of the particular location shall not be detrimental.*

The Subway restaurant is occupying an existing storefront. Their signage fits in the context of the neighborhood. Subway will provide a different food option within the corridor.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	0	0
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	74	741
<i>Estimated Employment:</i>	Unknown	2
<i>Parking Spaces:</i>	0	0
<i>Publicly Accessible Open Space:</i>	0	0

III. RECOMMENDATION

Special Permit under §7.11.10.2 & §9.13

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information

submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the a Special Permit with Design Review per SZO §7.11.10.2 to establish a fast food use and a Special Permit per SZO §9.13 for 3 spaces of parking relief. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 19, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(August 27, 2014)</td> <td>Modified plans submitted to OSPCD (Plot Plan, Plans 1 of 2, Plans 2 of 2, Signage)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 19, 2014	Initial application submitted to the City Clerk's Office	(August 27, 2014)	Modified plans submitted to OSPCD (Plot Plan, Plans 1 of 2, Plans 2 of 2, Signage)
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Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW							
3	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
Site										
4	The Applicant shall purchase and install one U-Shaped bike rack to be installed in the vicinity of the projects.	CO	Plng.							
Miscellaneous										
5	Approval is for the fast food use for the Applicant, 271 Broadway Inc, Inc. A future tenant of this space for the fast order food use would have to come back to the ZBA for special permit approval in order to operate in this location.	Cont.	Plng							
6	The Owner, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD							
Public Safety										
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
Signage										

8	Signage will be limited in size and location to that shown in the signage plan. Lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
Final Sign-Off				
9	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

