



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-47

Date: July 17, 2019

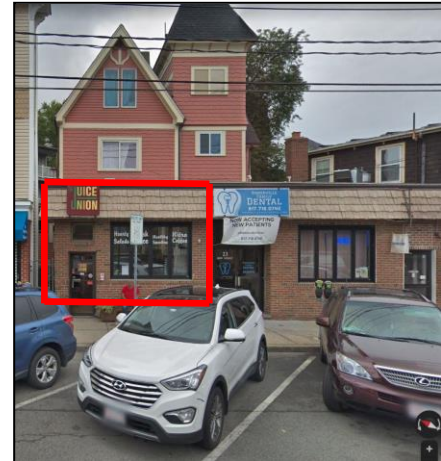
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 23A Bow Street

Applicant Name: Sofia P. Ibarra Deschamps / Ibarra Bars, LLC
Applicant Address: P.O. Box 336, Somerville, MA 02143
Owner Name: Eddie Giron / Musician Realty Trust, LLC
Owner Address: 50 Woodfall Road, Belmont, MA 02478
Ward Councilor: Ben Ewen-Campen

Legal Notice: Applicant, Sofia P. Ibarra Deschamps / Ibarra Bars, LLC, and Owner, Eddie Giron of Musician Realty Trust, LLC, seek Special Permits under Article 7 of the SZO to establish a bar, Article 9 of the SZO for parking relief, and Article 4 of the SZO to alter a non-conforming structure. NB zone. Ward 3.



Dates of Public Hearing: Zoning Board of Appeals – July 17, 2019

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is an existing mixed-use building that contains three commercial storefronts on the ground floor. At the rear of this commercial portion of the structure is attached a late 19th/early 20th-century structure containing residential units on the second and third floors. The storefront that most recently housed The Juice Union juice bar is the subject of this application.
2. **Proposal:** The Applicant proposes establishing a bar serving small plates and snacks. Bar seating for 7 people and additional standing room is planned. 3-4 employees will be present at any given time. The proposed hours of operation are **Lunch:** Monday - Friday 12-3pm; **Dinner:** Monday – Friday 5pm – midnight; **Brunch:** Saturday & Sunday 12-4pm.

The following items reflect the special permitting needs for this proposal:

- Establishing bar use (Special Permit with Design Review (SPD))
- Parking relief for three (3) spaces (Special Permit)

3. Green Building Practices: None listed on application.

II. FINDINGS FOR SPECIAL PERMIT with Design Review (SPD) (SZO §7.11.10.2.6.a), (SZO §9.4), & (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §7.11.10.2.6.a, §9.4, and §4.4.1 of the SZO. This section of the report goes through these three sections of the SZO in detail.

1. Information Supplied:

- The Staff finds that the information provided by the Applicant conforms to the requirements of §7.11.10.2.6.a, §9.4 and §4.4.1 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."*

Pursuant to §7.11.10.2.6.a, when a “bar, tavern, drinking establishment, nightclub, dance hall, entertainment facility, or convention center” is proposed, the Applicant requires a Special Permit with Design Review for this use in the NB zoning district.

- Staff finds that the change of use from fast food use to a bar establishment is consistent with the purpose of the NB district and is consistent with other similar businesses found throughout the Union Square neighborhood.

Pursuant to §4.4.1 of the SZO:

In considering a special permit under §4.4.1 of the SZO, Staff finds that the interior reconfigurations proposed would not be substantially more detrimental to the neighborhood than what currently exists within this unit of the structure. The reconfiguration is a necessary measure in order to accommodate the production equipment, food storage and customer needs anticipated by the proposed business.

Pursuant to §9.4 of the SZO, the Applicant is required to provide 3 parking spaces associated with the business.

- In considering a special permit under §9.4 of the SZO, Staff finds that the request for parking relief is reasonable given the location of this establishment in the heart of Union Square. This is a business in the NB district that is close to residential areas and small businesses which will provide a substantial amount of ambulatory traffic to support the business.
- Of further note is the Union Square Green Line “T” stop that is anticipated to open within the next two years. Union Square will become more of a transit-oriented destination than it

currently is, allowing for future customers of this establishment to patronize it not only on foot but via public transportation.

- Lastly, there is no means of accessing the rear of the 23 Bow Street lot from either Bow Street or from the abutting Walnut Street, leaving no possibility of providing parking on-site now or in the future.

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 secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.
- The proposal is consistent with the purpose of the NB district, which is *"to establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods."*
- In terms of the design criteria for NB districts, Staff finds that they are not applicable to this project:

1.

1. When a fourth floor is included, provide a minimum five (5) foot deep setback from the front lot line building wall, such as a balcony or deck, for the purpose of promoting a scale appropriate to surrounding neighborhoods. (Not applicable to ZBA 2019-47)

2.

2. Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible. (Not applicable to ZBA 2019-47)

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 residential buildings and small-scale retail stores, services, and offices.
- There are few visual impacts from the proposal as, except for signage, all of the changes will be internal to the unit.

5. **Housing Impact:** *Will not create adverse impacts on the stock of existing affordable housing. The proposal will not impact the existing stock of affordable housing.*

7. **SomerVision Plan:**

The proposal provides Union Square and the surrounding residential neighborhoods with another eating/drinking establishment convenient to area residents.

III. RECOMMENDATION

Special Permit with Design Review under §7.11.10.2.6.a, §9.4 and §4.4.1

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 to establish a bar establishment with food. Parking relief for 3 spaces.	BP/CO	ISD/ Png.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 1, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 14, 2019</td> <td>Articles of incorporation received by OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 1, 2019	Initial application submitted to the City Clerk’s Office	June 14, 2019	Articles of incorporation received by OSPCD
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Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
3	Signage for the establishment must first be reviewed and approved by Planning Staff prior to ordering an installation. Planning Staff, through the Zoning Review Planner, shall be provided with dimensions, color, layout, materials for the sign as well as any lighting plan. No internally-lit signs shall be approved. No signage shall be posted on the storefront windows. Approved signage shall be installed before CO is issued.	CO	ISD/Png.							
Final Sign-Off										
4	<u>The Applicant shall contact Planning Staff at least five (5) working days in advance of a request for a final inspection</u> 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	Png.							