



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

*EXECUTIVE DIRECTOR*  
GEORGE J. PROAKIS, AICP

**PLANNING DIVISION STAFF**

SARAH LEWIS, *DIRECTOR OF PLANNING*  
SARAH WHITE, *PLANNER & PRESERVATION PLANNER*  
ALEX MELLO, *PLANNER*  
MONIQUE BALDWIN, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2019-10  
**Date:** May 15, 2019

**Recommendation:** Conditional Approval

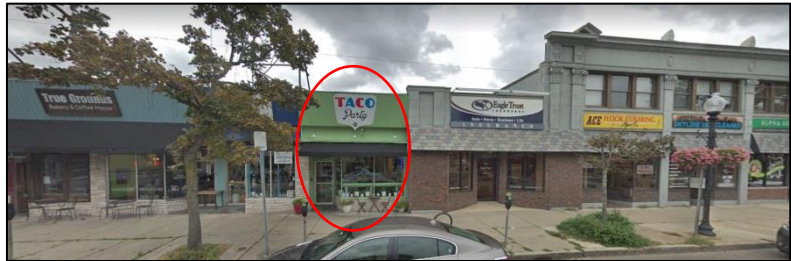
---

**PLANNING STAFF REPORT - ZBA**

---

**Site:** 30 Berkeley Street

**Applicant Name:** Keith Schubert  
**Applicant Address:** 44 Country Club Road, Stoneham, MA  
**Owner Name:** Keith Schubert  
**Owner Address:** 11 Apex Street, Quincy, MA 02169



**City Councilor:** Lance Davis

**Legal Notice:** Applicant, Keith Schubert, and Owner, Ed Pignone, seek Special Permits under Article 4 of the SZO to expand the GFA of the existing restaurant space, increase the seating and dining area. Parking relief under Article 9 of the SZO. NB zone. Ward 5.\*

**Dates of Public Hearing(s):** May 15, 2019 – ZBA



**This property is located in Ward 6.**

*Top:* Current location of Taco Loco.

*Bottom:* Former gift shop to the immediate left of Taco Loco into which the restaurant will expand.

---

**I. PROJECT DESCRIPTION**

**1. Subject Property:** Taco Party is sited in the middle of a connected block of single-story commercial storefronts on Broadway in the NB zoning district. The rear portion of this building is located in Medford.

**2. Proposal:** The Applicant proposes expanding operations into the left-abutting storefront that was formerly occupied by a gift shop. The proposal includes two new single-occupancy bathrooms, one of which will be handicapped-accessible. The dining and kitchen areas will be expanded and a bar added.

The trigger for zoning relief is parking and the parking relief is only applicable to the vacant gift shop that Taco Party will take over. The Applicant needs a Special Permit for 5.5 spaces of parking relief under this proposal.

**3. Green Building Practices:**

None listed on application.

## **II. FINDINGS FOR SPECIAL PERMIT (Article 9):**

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

**1. Information Supplied:**

Staff finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project. While for other projects, a certified plot plan would be needed, Staff does not find that it is necessary in this case: all of the work being undertaken is internal to the building and there is no outward or upward expansion of the building footprint. Further, the NB zone in which this commercial property is located, there is no lot area minimum required under the SZO. All of the measurements needed for zoning analysis must be taken by the architect of record and are not the type of information that would appear on a plot plan.

**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."***

**Sections 9.4.1, 9.5, and 9.13**

§9.4.1 of the SZO addresses parking requirements for properties that are already non-conforming with regard to parking and, though they are being altered, will have no change in floor area. This is the case with the Taco Party proposal. Therefore, the zoning review for parking relief applies only to the area into which the business is expanding – the former gift shop. Under the retail use, the gift shop required two (2) spaces of off-site parking which it was unable to provide. The gift shop was, therefore, non-conforming with regard to parking.

The former gift shop contains 917 square feet of floor area. 30 seats will be provided in this area between the bar and dining room. Roughly 6 employees will be working in this portion of the business. §9.5 of the SZO requires there to be .75 parking spaces for every employee and 1 parking space for every 4 seats. Regarding this proposal, those numbers equate to 13 parking spaces:

- $6 \times .75 = 4.5$  employee parking spaces (rounded to 5.0)
- $30 / 4 = 7.5$  parking spaces for 30 seats (rounded to 8.0)

§9.4.1d(2) of the SZO states that if the new use of a space requires two (2) or more additional parking spaces than the existing previous use, then only 50% of this additional parking requirement shall be provided under that new use.

In the case of Taco Party, the new restaurant use of the former gift shop space requires 11 additional parking spaces:

13 new restaurant spaces – 2 gift shop spaces = 11 spaces

This number of 11 spaces may then be reduced by 50% such that only 5.5 spaces of parking relief are required.

§9.13 of the SZO allows for up to 6 parking spaces of relief to be provided to an applicant via Special Permit. Therefore, the case of Taco Party qualifies for 5.5 spaces of relief under the Special Permit category.

**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."***

Staff finds that the proposal is consistent with the purposes of the NB zone which are “[t]o 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.”

There is no part of this proposal that Staff finds to be inconsistent with the purposes of the NB district. This proposal allows the Applicant to expand a local business along a busy pedestrian and vehicular corridor in the City. These types of businesses are additive to the culture of the City and provide the surrounding neighborhoods and all City residents with a service convenient to City living.

**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 proposed use is the expansion of an allowed restaurant use in the NB district. Staff has included a condition that requires Planning Division approval of location, size, design, and style of all sign band signage to be used for this business.

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

The proposal will not add to the existing stock of affordable housing.

**6. SomerVision:**

The proposal allows for the expansion of a local business and provides the surrounding neighborhoods with a service convenient to City living.

### **III. RECOMMENDATION**

#### **Special Permit under Article 9 of the SZO**

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 5.5 spaces of parking relief.	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 1, 2019</td> <td>Application submitted to City Clerk's office.</td> </tr> <tr> <td>May 13, 2019</td> <td>Updated plans submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 1, 2019	Application submitted to City Clerk's office.	May 13, 2019	Updated plans submitted to OSPCD
	Date (Stamp Date)				Submission					
March 1, 2019	Application submitted to City Clerk's office.									
May 13, 2019	Updated plans submitted to OSPCD									
<p style="color: red;">Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>										
<b>Engineering</b>										
2	The Applicant shall present their plans to Engineering for review.	BP	Engineering/ISD							
<b>Design</b>										
3	All venting and piping needed as a result of this project shall be painted or wrapped to match the color of the portion of the house from which they protrude. No venting or piping shall evacuate over the public way nor protrude from the Broadway façade of the building.	CO	ISD/PIng							
<b>Construction Impacts</b>										
4	The Applicant shall, at their 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 shall be constructed to DPW standards.	CO	DPW							

5	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. Note that dumpsters require a permit from the City.	During Construction	T&P/ISD	
6	<u>The name(s )and contact information of all entities working on the site shall be posted in an area easily-visible from the public way for the passing public to read.</u>	During Construction	ISD	
7	<u>Construction shall be limited to M-F 7:30am – 5:00pm. No weekend construction or construction-related work shall occur.</u>	During Construction	ISD	
<b>Public Safety</b>				
8	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP	
<b>Site</b>				
9	Signage for the Taco Party business shall be updated. Signage shall first be submitted to Planning Staff for their review and approval prior to the issuance of a CO. No internally-lit signs shall be approved. All sign dimensions, location, style, color, shall be included at the time of submission to Planning Staff.	CO	ISD/PIng	
<b>Final Sign-Off</b>				
10	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	ISD/PIng.	