



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

*PLANNING DIVISION*

**STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
LORI MASSA, *SENIOR PLANNER*  
ADAM DUCHESNEAU, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2012-12  
**Date:** February 23, 2012  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 11-15 Holland St

**Applicant Name:** Robert Darnell

**Applicant Address:** 11 Spaulding St, Wakefield, MA

**Property Owner Name:** Carla Delellis

**Property Owner Address:** 22 Hillside Ave, Winchester, MA

**Agent Name:** none

**Alderman:** Gewirtz

**Legal Notice:** Applicant, Robert Darnell and Owner, Carla Delellis, seek a special permit to establish a fast order food establishment under SZO §7.11.2.1.a to open an approx 600 sf café, a special permit to alter a nonconforming structure under §4.4.1 to add and alter windows on the front façade, and a special permit under §9.13.a to waive the requirement for 2 additional parking spaces.

**Zoning District/Ward:** CBD / 6

**Zoning Approval Sought:** Special Permit under SZO §7.11.10.2.1.a, §4.4.1 and §9.13.a

**Date of Application:** Jan 30, 2012

**Dates of Public Hearing:** Zoning Board of Appeals Feb 29, 2012

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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property is an approximately 3013 sf lot on Holland Street in Davis Square. There is a three-story mixed use building on the site with two storefronts and a residential property on the ground floor and residential units above. The building occupies much of the lot and there is no opportunity to add on-site parking.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

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2. Proposal: The proposal is to consolidate the 190 sf nail salon and the 400 sf first floor residential unit into a 590 sf café. The café would be a mostly take-out venue with only 8 seats.

The cafe will be a bakery that sells sandwich and other such items. The owner is intending on growing some food on the roof of Johnny D's to use at the cafe.

The two small windows on the façade of the residential unit will be replaced with 4 windows that match the first floor windows on the rest of the façade.

The signage would remain the same except that the new business' name would replace the name of the nail salon.

3. Nature of Application:

*Use*

A fast order food establishment under SZO §7.11.10.2.1.a requires a special permit with design review to establish in the CBD.

*Alteration to the Structure*

Under SZO §4.4.1, lawfully existing nonconforming structures, other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA. The structure is currently nonconforming in terms of the landscaped area, rear yard setback, and number of parking spaces. Due to its nonconforming status, a special permit is required to alter the windows on the front of the building.

*Parking*

The parking requirement for a restaurant with seating is either based on the gross floor area of a restaurant or the number of seats and number of employees, whichever is higher. The parking requirement for the proposed restaurant is higher for the calculation based on the gross floor area of the restaurant with a requirement of 1 space per 110 gsf. The requirement is for 5.3 spaces. The prior uses required 1.84 spaces. Section 9.4 allows for a reduction in the parking requirement for nonconforming lots with no change in floor area. The resulting requirement is for 2 additional spaces.

The Applicant is requesting a special permit under SZO §9.13 to reduce the number of off-street parking spaces required. Under §9.13, the SPGA may grant a special permit modifying certain parking standards of Article 9, "where the total number of parking spaces required by the Ordinance is six (6) or fewer, the requirements for lots or sites that are nonconforming with respect to parking as specified in Section 9.4 may be modified."

4. Surrounding Neighborhood: The property is located in the heart of Davis Square where there is a mix of restaurant, retail, office, commercial uses. There are several other restaurants, retail stores and office uses and most businesses do not provide off-street parking.

5. Impacts of Proposal: As conditioned for this establishment, the fast food use is not anticipated to negatively impact the surrounding area. The bakery/café will be locally owned and operated and the intent is to use some locally grown food. Davis Square has a lot of pedestrian activity and the addition of this establishment is not anticipated to cause increased traffic. The signage design will not change and it fits in with the design of the building. The change to the windows is a positive change. The small windows that are high up on the first floor will be replaced with large retail windows that will create a storefront that is more interactive with pedestrians.

6. Green Building Practices: The café will be using recyclable and recycled materials.

7. Comments:

*Fire Prevention:* Has been contacted but has not yet provided comments.

*Ward Alderman:* Alderman Gewirtz asked for additional information, which staff provided, but has not yet provided a comment about the proposal.

*Traffic & Parking:* Traffic and Parking has requested a Traffic Memorandum concerning the parking impacts on the neighborhood as a result of this proposal. A Parking Memorandum has not yet been provided. To encourage appropriate turnover rates, reduce parking in the residential neighborhood and promote a safe comprehensive transportation network, it is recommended that the applicant purchase and deliver to the City two single space parking meters capable of accepting coins, credit cards and pay by

phone technology. The parking meters should be manufactured by the IPS Group or approved equal. Specification for all requirements of the parking meters can be supplied by Traffic and Parking if required and necessary.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11.10.2.1.a, §4.4.1 and §9.13.a):**

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 Planning 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.

Traffic and Parking Staff requested a Traffic Memorandum concerning the parking impacts on the neighborhood as a result of this proposal. The Applicant did not yet supply this memorandum. Planning Staff are supportive of this application without this memorandum; however, the Board may request this information if it is desired during the hearing process.

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."

The project complies with the standards for granting a special permit. The change to the storefront window system is an improvement to the building's appearance and for the pedestrian experience. The sign complies with the dimensional requirements.

The Special Permit with Design Review requires the SPGA to make positive determinations with the design guidelines in SZO §5.1.5.

1. The building is located on the front lot line, which creates a strong presence along the primary street in Davis Square. The setback is not proposed to change with this application.
2. The building entrance is differentiated by being recessed from the plane of the streetwall and the sign is directly above the entrance. This entrance is not proposed to change with this application.
3. The storefront is approximately thirty feet wide creating a typical bay width in the Square.
4. The change to the windows will create a consistent storefront that is pedestrian friendly. The current residential windows do not fit with the character of the building.
5. There is a mansard roof to the building that is not proposed to change with this application.
6. The building material is appropriate for a mixed use building and will not change with this application. The sign design is consistent with the sign for the other business in the building and therefore it will not be competing with surrounding signs. The gooseneck lights illuminating the sign will remain.
7. There is no onsite parking for the restaurant and therefore there are no driveways to break the streetwall.

8. There will be no transformers, heating and cooling systems, antennae or the like that will be visible from the street.

9. The site is not located in an overlay district. The mass of the building complies with the standards in Article 6 for the CBD and is not proposed to change with this application. The building currently completes the streetwall, provides a continuous storefront, blends in with the surrounding district, and there is no on-site parking that would break up the streetwall.

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.

There will be minimal impact on the neighborhood regarding the above criteria. Patrons either walk to the restaurant or drive and find on-street parking. The restaurant will yield short visits so that the people that do drive will not be utilizing a parking space for this use alone for an extended period of time.

To encourage appropriate turnover rates, reduce parking in the residential neighborhood and promote a safe comprehensive transportation network, it is recommended that the applicant purchase and deliver to the City two single space parking meters capable of accepting coins, credit cards and pay by phone technology.

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 providing for and maintaining the uniquely integrated structure of uses in the City. The proposal is also consistent with the purpose of the Central Business District in allowing for a local restaurant establishment that is conducive to high volume of pedestrian traffic and has a strong connection to pedestrian accessible street level uses.

Also, the proposal meets the intent of §9.1, the purpose of the Off-street Parking and Loading Article. Relief from providing two parking spaces along with the installation of two single space parking meters capable of accepting coins, credit cards and pay by phone technology will not create a situation that would be a nuisance or hazard to pedestrians and adjacent properties, nor would it decrease the traffic carrying capacity of the adjacent streets or significantly compromise the on-street parking available in Davis Square.

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."

As outlined in Finding 2 above, the storefront was designed to be compatible with the surrounding area. The change from small residential windows to large storefront windows on the façade will create a storefront that is consistent with the rest of the building and more interactive with pedestrians. The signage design will not change and is compatible with the building.

There are several food service uses in the surrounding area that do not have associated parking. These restaurants have proved to be successful in this pedestrian-friendly business district. Davis Square has MBTA Red Line and bus access. The transit service and the density of the surrounding neighborhood promote pedestrian activity.

5. 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.

Davis Square has a lot of pedestrian activity and the addition of this establishment is not anticipated to cause increased traffic. The menu for this establishment is unique from other fast food establishments in the area and a condition of the special permit would require other fast food establishments to require another special permit. The use will not impact the historic characteristics of the existing building in which it will be located.

### III. RECOMMENDATION

#### Special Permit under §7.11.10.2.1.a, §4.4.1 and §9.13.a

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	<p>Approval is for the establishment of a fast order food under SZO §7.11.10.2.1.a to open an approx 600 sf café without providing 2 parking spaces and to add and alter windows on the front façade. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th><th>Submission</th></tr> </thead> <tbody> <tr> <td>Jan 30, 2012</td><td>Initial application submitted to the City Clerk's Office</td></tr> <tr> <td>Dec 16, 2011 (Feb 24, 2012)</td><td>Modified plans submitted to OSPCD (Existing and proposed elevations and floor plans)</td></tr> <tr> <td>Mar 6, 2009</td><td>Modified plans submitted to OSPCD (Plot Plan)</td></tr> </tbody> </table> <p>Any changes to the approved elevation or use that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Jan 30, 2012	Initial application submitted to the City Clerk's Office	Dec 16, 2011 (Feb 24, 2012)	Modified plans submitted to OSPCD (Existing and proposed elevations and floor plans)	Mar 6, 2009	Modified plans submitted to OSPCD (Plot Plan)	BP/CO	ISD/Plng.	
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2	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									
3	If the signage differs in size, location or lighting feature from the existing nail salon signage, the applicant must submit the revised to Planning Staff for review and approval.	Prior to installation of signage	Plng.									
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									

5	The Applicant shall purchase and deliver to the City two single space parking meters capable of accepting coins, credit cards and pay by phone technology. The parking meters should be manufactured by the IPS Group or approved equal. Specification for all requirements of the parking meters can be supplied by Traffic and Parking if required and necessary.	CO	T&P	
6	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	
7	This Special Permit is only for a bakery/café owned by the Applicant. Transfer to another fast order food establishment requires a new Special Permit.	Cont.	ISD	
8	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.	

