



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-44

Date: May 4, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 3 Washington Street

Applicant Name: Union Kitchen LLC DBA Foundation Kitchen Ciaran Nagle

Applicant Address: 328 Dartmouth Street, Boston MA, 02116

Owner Name: Chung Lee, C+S Realty Trust

Owner Address: 33 Third Street, Medford MA, 02155

Agent Name: NA

Agent Address: NA

Alderman: Matthew McLaughlin

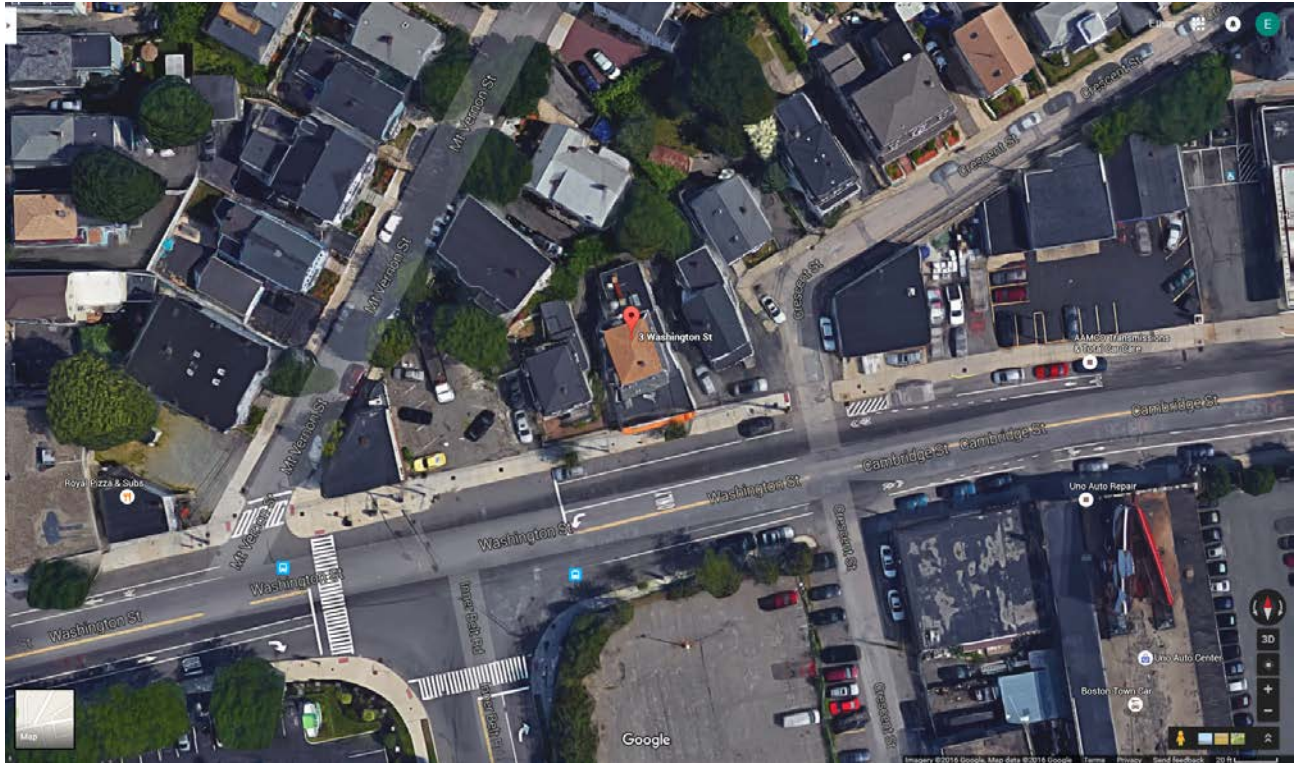
Legal Notice: Applicant Union Kitchen LLC, DBA Foundation Kitchen Ciaran Nagle, and Owner Chung Lee, C+S Realty Trust, seek a Special Permit with Design Review to expand uses from a restaurant to include catering. Zone RC, Ward 1.

Dates of Public Hearing: April 20, 2016; May 4, 2016

Updated Staff Report: Additions are underlined, deletions are ~~struck through~~.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,050 sf lot containing a mixed use structure of approximately 3,600sf. The structure consists of a diner-front along the sidewalk on the first level that extends toward the rear of the lot and is constructed with a mix of brick and concrete masonry. Set back from the front of the lot, and connected to the first story, there is a second and third floor mansard roofed portion of the structure that contains two dwelling units.



Aerial view of property



Street view of property

2. Proposal: The proposal is to continue the use of the existing restaurant space on the ground floor, but to also include catering as part of this use. Despite not needing any parking relief, the applicant has

entered a lease agreement with the owner of the 13-space parking lot located at 17 Washington Street, just 45' away. The Applicant has also agreed to construct a privacy fence along the eastern property line to separate the rear yard of 3 Washington street from the abutting property at 1 Washington Street. The Applicant has also agreed to keep the door on the east side of the property locked to people form the outside, and used only as an emergency exit. The Applicant is also proposing to clean up the façade of the structure, remove the existing awning, add a new sign, and repaint the façade.

3. Green Building Practices: None listed in application.

4. Comments:

Ward Alderman: Alderman McLaughlin has no objections to the expansion to catering use.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.11)

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."*

The structure is currently nonconforming with respect to the following dimensional requirements: all setbacks. The proposal will not impact any of the nonconforming dimensions; it is only a change of use. Per SZO section 7.11.10.4, catering uses in RC zones require Special Permits with Design Review. In considering a special permit under §7.11 of the SZO, Staff find that the use proposed would not be substantially more detrimental to the neighborhood than the existing use.

The certificate of occupancy from 2008 states that the maximum seats allowed in the existing restaurant is 48. Planning Staff assumes that the existing restaurant would have needed 5 employees for operation. The applicant is proposing to have 12-15 employees working at a time. To offset the parking needs for the employees (.75 per employee) the applicant has agreed to have no more than 24 seats in the restaurant, as such, the parking requirement does not change as compared with the existing use. Section 9.4 of the SZO states that changes in use with no change in floor area, that do not increase parking requirements, do not need to seek parking relief.

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 The purposes of the Ordinance are to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from

fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; to protect and promote a housing stock that can accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing affordable to individuals and families with low and moderate incomes; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purposes of the 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.

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."*

Surrounding Neighborhood: The surrounding neighborhood contains a mix of building types and uses. One side of Washington Street is primarily 2-3 family residential structures of various styles, but many of them on Washington Street include small businesses such as the restaurant in the subject property. On the South side of Washington Street there are larger structures such as the Holiday Inn, the Cobble Hill Apartment complex and a number of light industrial uses.

Impacts of Proposal (Design and Compatibility): This food-related use will likely have a positive impact on the neighborhood. The physical changes to the interior of the structure will likely have little to no impact on the neighborhood.

Special Permits with Design Review and Special Permit with Site Plan Review applications must meet the design guidelines under SZO §5.1.5/5.2.4. The design guidelines for Residence Zones are as follows:

Design Guidelines for Residence Zones.

1. *Buildings should be generally of the same size and proportions as those existing in the neighborhood. This shall apply in cases of multi-family development as well as one-, two-, and three-family units. For example, if relatively small two- and three-family structures are common in a neighborhood where multi-family development is proposed, the multi-family development should be physically broken into components that, from a design perspective, are housed in buildings of similar width, depth, and height as those typically found in the neighborhood.*

NA, Building is not changing.

2. *Use of traditional and natural materials is strongly encouraged (e.g. wood clapboard, wood shingles, brick).*

NA, Building is not changing.

3. *Additions to existing structures should be consistent with the architecture of the existing structure in terms of window dimensions, roof lines etc.*

NA, Building is not changing.

4. *Although additions should not clash with or be incompatible to the existing structure, it is acceptable and even desirable for the new construction to be distinguishable from the existing building, perhaps by maintenance of design elements of the original building that would otherwise be lost (e.g. false rakes, fasciae, and the like).*

NA, Building is not changing.

5. *Where practical, new or infill building construction should share the same orientation to the street as is common in the neighborhood. When not contrary to any other zoning law, front and side yards should be of similar dimensions as those typical in the area.*

NA, Building is not changing.

6. *Driveways should be kept to minimal width (perhaps a maximum of twelve (12) feet), and be designed so that no vehicle parked on the drive may straddle the public sidewalk in any way. Low barriers or plantings may be required to separate the parking area from the pedestrian space.*

NA, Building is not changing.

7. *Transformers, heating and cooling systems, antennas, and the like, should be located so they are not visible from the street or should be screened.*

NA, Building is not changing.

8. *Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.*

NA, Building is not changing.

5. Adverse environmental impacts: *The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.*

Impacts of Proposal (Environmental): No adverse impacts on the surrounding area anticipated as a result of excessive noise, illumination, glare, dust smoke or vibration, or from emissions of noxious materials, or pollution of water ways or ground water, or interference with radio or television signals.

6. 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.*

Impacts of Proposal (Circulation): No traffic congestion or potential for accidents are anticipated as a result of this structure.

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

8. 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.

9. **Impact on Affordable Housing:** *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.*

No impact on affordable housing.

III. RECOMMENDATION

Special Permit under §7.11

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 Special Permit with Design Review to expand uses to restaurant with catering. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>March 21, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>April 28, 2016</td><td>Updated Plans submitted to OSPCD (1-8)</td></tr></table>				Date (Stamp Date)	Submission	March 21, 2016	Initial application submitted to the City Clerk’s Office	April 28, 2016	Updated Plans submitted to OSPCD (1-8)
	Date (Stamp Date)				Submission					
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	April 28, 2016				Updated Plans submitted to OSPCD (1-8)					
Any changes to the approved (site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							

3	Approval is subject to the Applicant's and/or successor's right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed
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 must be constructed to DPW standard.	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.	During Construction	T&P	
Design				
4	<u>The Applicant or Owner shall work with the planning staff on final color selection and signage design, and submit material and color samples prior to installation. The applicant will also ensure that the door on the east side of the structure remain locked from the outside and used only as an emergency fire exit, and the Applicant will also construct a fence along the eastern property line to separate the rear yard of 1 Washington Street from 3 Washington Street.</u>	<u>C/O</u>	<u>Plng.</u>	
Public Safety				
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
6	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.	

