



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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GERARD AMARAL, (ALT.)

Case #: PB 2015-12
Site: 197 Washington Street
Date of Decision: January 7, 2016
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 21, 2016

PLANNING BOARD DECISION

Applicant Name:	Nu Café Somerville, LLC
Applicant Address:	377 Bunker Hill Street, #1, Charlestown, MA 02129
Property Owner Name:	197 Washington Street, LLC
Property Owner Address:	11 Beacon Street, Suite #1120, Boston, MA 02108
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite #304, Somerville, MA 02144

Legal Notice: Applicant, Nu Café Somerville, LLC & 197 Washington Street LLC, and Owner, 197 Washington Street LLC, seek a Special Permit with Site Plan Review to establish the Eating and Drinking Use (SZO §7.13.D) of approx. 2,700sf, a Special Permit for reduction in parking spaces (§9.17.2.A) and a revision to the original approval, Case PB 2014-01, that permitted the construction of two mixed use buildings of approx 46,305 nsf and approx 38,040 nsf under §6.1.22.D.1 and §6.1.22.D.2. The uses included small and medium retail of approx 6,000 sf, 65 residential units per SZO §7.13.B, §7.13.C, & §7.13.E. The approval also included a reduction in the number of parking spaces SZO 9.13.F and 9.17.2.A and a shared driveway and access and shared parking per SZO §9.17.2.B.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 3
<u>Zoning Approval Sought:</u>	§7.13.D, §9.17.2.A, §6.1.22.D.1, §7.13.B, §7.13.C, §7.13.E, §9.13.F, §9.17.2.A & §9.17.2.B
<u>Date of Application:</u>	November 10, 2015



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

<u>Date(s) of Public Hearing:</u>	January 7, 2016
<u>Date of Decision:</u>	January 7, 2016
<u>Vote:</u>	4-0

Appeal #PB 2015-12 was opened before the Planning Board at the Visiting Nurse Association on January 7, 2016. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.

DESCRIPTION:

The Applicant recently submitted an application to operate a 3,760 square foot café on the first floor of the building in place of the retail use cluster that was originally approved. The case number was PB 2015-11. The number of seats proposed was 120. The Planning Board had concerns regarding parking for the use with the number of seats and nature of the restaurant proposed. The application was withdrawn without prejudice.

The Applicant revised the application to try to address the Planning Board's concerns. The café was reduced in size to 2,700 square feet with 60 seats, which is half of the number of seats originally proposed. The remaining 1,060 commercial square feet on the ground floor will be retail. The café would have 20 to 25 employees with 5-6 working at a peak time. Hours of operation would be Monday through Friday from 7am to 10pm, Saturday from 8am to 10pm and Sundays from 8am to 8pm. The café would serve such items as sandwiches, coffee, baked goods, salads and smoothies.

Some minor interior changes would be necessary and there would be no exterior alterations from the original Special Permit with Site Review approved plans. The signage proposal for the café has been submitted.

The number of parking spaces, 65, would not change on site. Customers that drive to the site would likely park in the 12 on-street spaces that were required to be constructed as a result of the redevelopment of the lots. The Applicant has secured parking for employees off-site. The spaces are at a nearby business at Monro Muffler Brake & Service located at 223 Washington Street. The business is approximately 352 feet or 0.06 miles from the subject property. Two spaces will be available at all times for employees and another two spaces will be available when the muffler business is closed. They are closed on Monday through Friday after 6pm, Saturday after 5pm and Sunday all day.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §7.13.D, §9.17.2.A & §5.2):

In order to grant a Special Permit with Site Plan Review (SPSR), the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

The following findings relate to the proposal. There are no exterior alterations proposed. The rest of the findings for a SPSR do not change from those made in the original approval.

1. **Information Supplied:**

The Board 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.

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 café falls under the Eating and Drinking Use Cluster (SZO §7.13.D) and an establishment of approximately 2,700 square feet requires a Special Permit with Site Plan Review.

A Special Permit for a reduction in parking spaces under §9.17.2.A is also sought for four vehicles. The Applicant has secured four parking spaces at a nearby business; however, the application did not include a special permit request to count those parking spaces as fulfilling the requirement because the off-site lot may redevelop in the future and the ability to continue to use parking spaces if or when development happens is unknown.

3. Nature of Application: Generally the buildings and uses capture the intentions of the CCD-55 district. The building provides adequate parking without developing excessive parking within this urban neighborhood, and creates a storefront that will engage the pedestrian while improving the appearance of the block. A cafe in this location will bring life to the block in the same way that the retail tenants that were originally proposed would have. Having multiple tenants along a building creates for an interesting pedestrian experience; however, for this building that has a narrow commercial space a restaurant tenant will need a large portion of the square footage to have a functional business. The square footage is not so excessive that the proposal will change the small scale nature of ground floor tenants and character of the building. It is likely that there will continue to be a draw of local people to the site as opposed to attracting people from the larger region.

Sixty-five parking spaces will be provided on site as originally proposed. Twelve metered spaces on this block along the street will be added as part of the project.

The parking relief approved as a part of the original approval was a 20% reduction for the 35 affordable units. The applicant submitted parking utilization of other affordable housing projects (Linden Street and Mystic Ave) and found that the parking demand was less than the 0.8 parking space per unit requirement in the SZO (by special permit), and was actually around 0.58 at peak times. Transit-centered market rate projects like the new 197 Washington Street building average between 0.7 and 1.0 parked cars per unit. Based on similar projects, this project meets both the zoning requirement for parking and the parking demand.

The breakdown of the required parking spaces is as follows:

Parking for Previous Approval:

CPI Residential Units – 1 per unit, 30 units = 30 spaces
SCC Residential Units – .8 per unit, 35 units = 28 spaces

Use Cluster B – Medium Retail and Service, 1 per 800 nsf
6 establishments totaling 5,915 sf / 800 = 7.39 or 7 spaces

Project Total = 65 Spaces

Parking for Proposal:

Residential - does not change = 58

Use Cluster B – Medium Retail and Service, 1 per 800 nsf
2,349 sf in SCC building = 3
1,060 sf in CPI building = 1.325
Total = 4.25 total

Use Cluster D – Eating and Drinking, 1 per 400 nsf
2,700 sf = 6.75



Project total = 69 Spaces

Four more parking spaces are required as a result of the proposal.

The parking requirement for the retail and restaurant uses proposed in both of the buildings on this development site total 11. The 12 new on-street parking spaces that are created cannot count towards satisfying the parking requirement; however, practically, the patrons of these establishments will have parking spaces available to them in front of the businesses.

4. Impacts of Proposal: A transportation demand management plan was submitted that promotes alternate forms of transportation to reduce the number of single-occupancy vehicle trips traveling to and from the site. The plan includes bicycle lockers, covered bike racks and racks on the sidewalk. The applicants are also making improvements to the sidewalk in front of the development to improve the pedestrian and bicycling environment.

The transportation report also includes data on modal splits, trip generation and projected future demand. The site is a three minute walk to the future Washington Street Green Line station and a six minute walk to the future Union Square station. The public transit mode share is expected to increase significantly in this area. Also, the project site has twice as much bike mode share as compared to the Somerville average and it is predicted to increase.

A draft of the Union Square neighborhood plan has been released for public comment. The mobility planning and analysis section the plan is attached. The section calls for a district based approach to parking to locate strategically-placed garages that can handle the parking needs for the entirety of the Union Square commercial core. Another idea in the plan is encouraging shared parking for uses with staggered demand peaks, like the current Applicant has done by seeking out an agreement to use four spaces on a nearby lot. As part of this plan an inventory of the number of public and private parking spaces was conducted. The utilization of these parking spaces at varying times and days of the week was determined. The results of this study are forthcoming; however, the preliminary data shows that there is available parking in the neighborhood. There are management techniques explained in the plan that should be implemented to better utilize the parking space outside of the blocks with peak demand.

The trip generation will have a slight increase over the previously planned use of the space as retail; however, given the increase in mixed-use development in the area, the increase in transit and bike options, and the pedestrian nature of the café use and site design, the reduced number of parking spaces is not anticipated to have a negative impact on the neighborhood.

5. Functional Design: The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”

The loading area that was previously approved between the two buildings will be functional for the proposed cafe.



DECISION:

Present and sitting were Members Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay and Rebecca Lyn Cooper with Kevin Prior and Gerard Amaral absent. Upon making the above findings, Dorothy Kelly Gay made a motion to approve the request for a Special Permit with Site Plan Review. Rebecca Lyn Cooper seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the Eating and Drinking Use (SZO §7.13.D) of approx. 2,700 sf and for a reduction in parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Nov 10, 2015</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Nov 10, 2015</td><td>Modified plans submitted to OSPCD (floor plan)</td></tr></table>				Date (Stamp Date)	Submission	Nov 10, 2015	Initial application submitted to the City Clerk’s Office	Nov 10, 2015	Modified plans submitted to OSPCD (floor plan)
	Date (Stamp Date)				Submission					
	Nov 10, 2015				Initial application submitted to the City Clerk’s Office					
Nov 10, 2015	Modified plans submitted to OSPCD (floor plan)									
Any changes to the approved plan that is not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant, 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							
3	There shall be at least 10 bike lockers and 10 covered bike racks for the 197 Washington site.	Cont.	ISD							
4	Signage will be limited to the signage band on the elevations. Signage plans shall be submitted to Planning Staff for review and approval. The plans shall match the character and material as the signage image submitted with the special permit application. Signage lighting after 10pm facing residential property will be turned down or off.	Cont.	ISD / Plng.							
5	Each window on the ground floor should provide views into the building and should not be blocked by interior storage, nonartistic displays, or greater than thirty (30) percent internally mounted signage.	Cont.	ISD / Plng.							
6	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
7	The Applicant shall provide quarterly updates to Planning Staff on the progress of the proposal.	Until building is occupied	Plng.							
Final Sign-Off										



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.	
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Attest, by the Planning Board:



Joseph Favaloro



Michael A. Capuano, Esq.



Dorothy A. Kelly Gay



Rebecca Lyn Cooper

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the SPGA proceedings are filed in the Somerville Planning Dept.



CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

