



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2009-21
Date: August 5, 2009
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 45 Day Street

Applicant Name: Flatbread, Inc.

Applicant Address:

Property Owner Name: Davis Square Bowladrome, Inc.

Alderman: Gewirtz

Legal Notice: This application is to construct a restaurant and bar of approximately 4,200 sf within the existing structure. The Applicant seeks a special permit under §9.13.a in order to not provide six (6) required parking spaces. The applicant also seeks a Special Permit under SZO §7.11.10.6.a in order to establish an approximately 750 sf bar.

Zoning District/Ward: CBD / 6

Zoning Approval Sought: Special Permits under SZO §9.13.a & §7.11.10.6.a

Date of Application: May 14, 2009

Date(s) of Meetings/Public Hearing: PB: June 25, 2009 / ZBA: July 15, 2009

ZBA members:

At its regular meeting on July 16, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0) to recommend **conditional approval** of the requested **Special Permits**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is an 11,203 sf lot at MBL 22-B-6. On the property is a one-story masonry structure containing 10,817 sf. The building features a single storefronts that is

approximately 80 feet in length. The property is located within a Central Business (CBD) district within 1000 feet of the Davis Square T station and directly across the street from a municipal parking lot (Day Street lot). Currently the Davis Square Bowladrome Inc. operates Sacco's Bowl Haven within the structure that features a 15 lane bowling alley and an 8 table billiard hall.

2. Proposal: The Applicant, Flatbread Inc. is proposing to restructure the current bowling alley and billiard hall into a 140 seat restaurant serving pizza with a bar. The company is a small franchise operation that has a few restaurants in northern New England. The restaurant will have a family friendly atmosphere and part of the company's business philosophy is to be a good neighbor in the communities where the restaurants are located. The company uses organic, locally grown ingredients whenever possible to support the local community and to be more environmentally friendly.

The proposed restaurant would be approximately 3,455 sf and the bar would be approximately 749 sf. In addition to the new restaurant, ten of the existing lanes would remain for bowling. The applicant is not proposing any alterations to the storefront. The proposed use would require six (6) additional off-street parking spaces under Article 9 of the SZO due to the proposed seating and increase in employees.

3. Nature of Application: The Applicant is requesting a Special Permit under SZO §9.13 to reduce the number of off-street parking spaces required by six (6) spaces. 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."

The Applicant is also requesting a Special Permit under SZO §7.11.10.6.a to establish a bar use less than 2,500 sf.

4. Surrounding Neighborhood: The subject property is located in the Davis Square CBD district which features predominantly ground floor commercial uses. Private off street parking in the area is limited, but there are a few municipal lots nearby and the Day Street lot is directly across the street. There is access to public transportation with the Davis Square Red Line station and several bus routes that pass through the square.

5. Green Building Practices: As stated in the permit application, "The owners of the proposed restaurant are committed to 'buy local' following their well-established practice of long-term relationships with local growers and suppliers. Every reasonable effort is made to reduce the restaurant's waste stream with significant recycling. Further, the entire project represents an adaptive reuse of a local cultural resource into a more sustainable economic basis."

6. Parking: The proposal to reduce the number of bowling lanes to ten (10), remove the billiard tables, increase the number of employees by five (5) and provide seating for 140 patrons requires an additional six (6) parking spaces under the methodology outlined in SZO §9.4.1 for the change in use. Currently there is no parking provided on the lot. A traffic and parking memorandum has been produced by an independent traffic engineer that has been reviewed by the Traffic and Parking Department.

7. Landscaping: The property is nonconforming with respect to requirements for 10% landscaping in the CBD district. The unbuilt portion of the site in the rear does not provide any landscaping and the applicant is not proposing to provide any landscaping.

8. Comments:

Fire Prevention: Steve Keenan reviewed the plans and stated: "This proposal will require a code compliant fire alarm system and a code compliant fire suppression system.

Ward Alderman: Alderman Gerewitz has been contacted and is in support of the proposal.

Traffic and Parking: Terry Smith has reviewed the plans and stated: "The applicant for 45 Day St seeks to redevelop a parcel located in the Davis Square Central Business District at 45 Day St. The redevelopment consists of replacing a 15 lane bowling alley and an 8 table billiard hall with a 10 lane bowling alley and a 140 seat restaurant. Per the Somerville Zoning Ordinance 6 off street parking spaces are required with the redeveloped property.

The applicant has hired a transportation consultant to prepare and submit a Traffic Memorandum. The submitted document is a well prepared and thorough document reviewing and examining the historical and present parking space availability in the Davis Square Area. However, the empirical data associated with the two tables submitted in the Traffic Memorandum needs to be forwarded to Traffic and Parking so that a proper review of the application can be initiated. The transportation consultant has indicated that this material is in the process of being forwarded to Traffic and Parking.

Traffic and Parking is deferring comment on this application until this data is received."

Staff has spoken with Traffic and Parking and it is anticipated that the data will be sufficient to support the proposal. If Traffic and Parking was to support the proposal the applicant should be required to purchase 125 City of Somerville Parking Meter Cards at \$20 each to be dedicated to Traffic and Parking as mitigation for not providing the required parking. These cards will be better for local businesses as they will ensure turnover, reduce violations and reduce the cost to the person parking as they only will have to pay for the time spent parked.

II. FINDINGS FOR SPECIAL PERMITS (SZO §9.13.a & §7.11.10.6.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 Board 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."

Parking Reduction: The Applicant requires a special permit under §9.13 of the SZO. Under §9.13, the SPGA may grant a special permit modifying certain parking standards of Article 9 only when consistent with the purposes set forth in §9.1 and that the zoning relief does not cause detriment to the surrounding neighborhood through: increase in traffic volumes, increased traffic congestion or queuing of vehicles, change in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, and unsafe conflict of motor vehicle and pedestrian traffic.

The Planning Board, after consultation with Traffic and Parking, finds that the parking relief would not cause detriment to the neighborhood. The Davis Square neighborhood is a commercial area with high

pedestrian traffic, excellent access to public transportation and municipal parking. The nature of the business will generate a high turnover rate of customers that will often arrive by foot, which makes the parking reduction acceptable.

Of those purposes set forth under §9.1 of the SZO, the availability and safe use of parking areas will not be negatively affected by a granted reduction in required spaces. Bicycle parking will be increased through conditions based on approval of this Special Permit.

Bar Use: The Applicant requires a special permit to establish a bar use under §7.11.10.6.a of the SZO. As conditioned, the proposal would comply with the SZO standards. The bar use would need to be licensed by the city and would be subject to any and all restrictions under the licensing agreement and applicable building code. According to the City Clerk, "Somerville does not grant alcohol licenses to bars or taverns that don't serve food. Somerville only grants alcohol licenses to restaurants that provide onsite dining." The Board finds that the licensing restrictions ensure that the operation would maintain a family friendly atmosphere and strengthen the compatibility with the neighborhood.

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 project is located in a Central Business (CBD) zoning district. The CBD district seeks, "to preserve and enhance central business areas for retail, business services, housing, and office uses and to promote a strong pedestrian character and scale in those areas. A primary goal for the districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses".

Parking Reduction: Allowing the proposed reduction in parking would be consistent with the goals of the City and the CBD district by promoting pedestrian traffic. The Board finds the Davis Square area to be among the most pedestrian friendly areas in the city due to the character of the area, the diversity in commercial uses and proximity to public transportation. The approval of this Special Permit will serve to strengthen the strong pedestrian presence that exists. Parking is available to patrons that must drive to the area in several municipal lots spread throughout the area. The location at 45 Day Street is particularly well serviced by municipal parking.

Bar Use: The Board finds the proposed bar use would be beneficial to the health and vibrancy of the square and to enhance the character of the area as a central business district. The Board finds that since this use would be in conjunction with a restaurant and bowling alley that the negative effects sometimes associated with a bar use would be avoided. The project would also be beneficial to the neighbors of the property as this will increase dining and entertainment options that are available in the area. The ten (10) bowling lanes that will be preserved will continue to provide entertainment options in the Davis Square area. The Board finds that this to an important amenity to the area and will condition that the lanes remain at the facility.

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."

There is no proposal to redesign the exterior of the structure. Any alterations to the façade that would not be considered cosmetic by Inspectional Services would need additional Special Permit approval. As a condition of approval any new signage will be required to be approved by Staff.

III. RECOMMENDATION

Special Permits under (SZO §9.13.a & §7.11.10.6.a)

Based on the above findings, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMITS**.

Although the Planning Board is recommending approval of the requested Special Permit, the following conditions should be added to the permits:

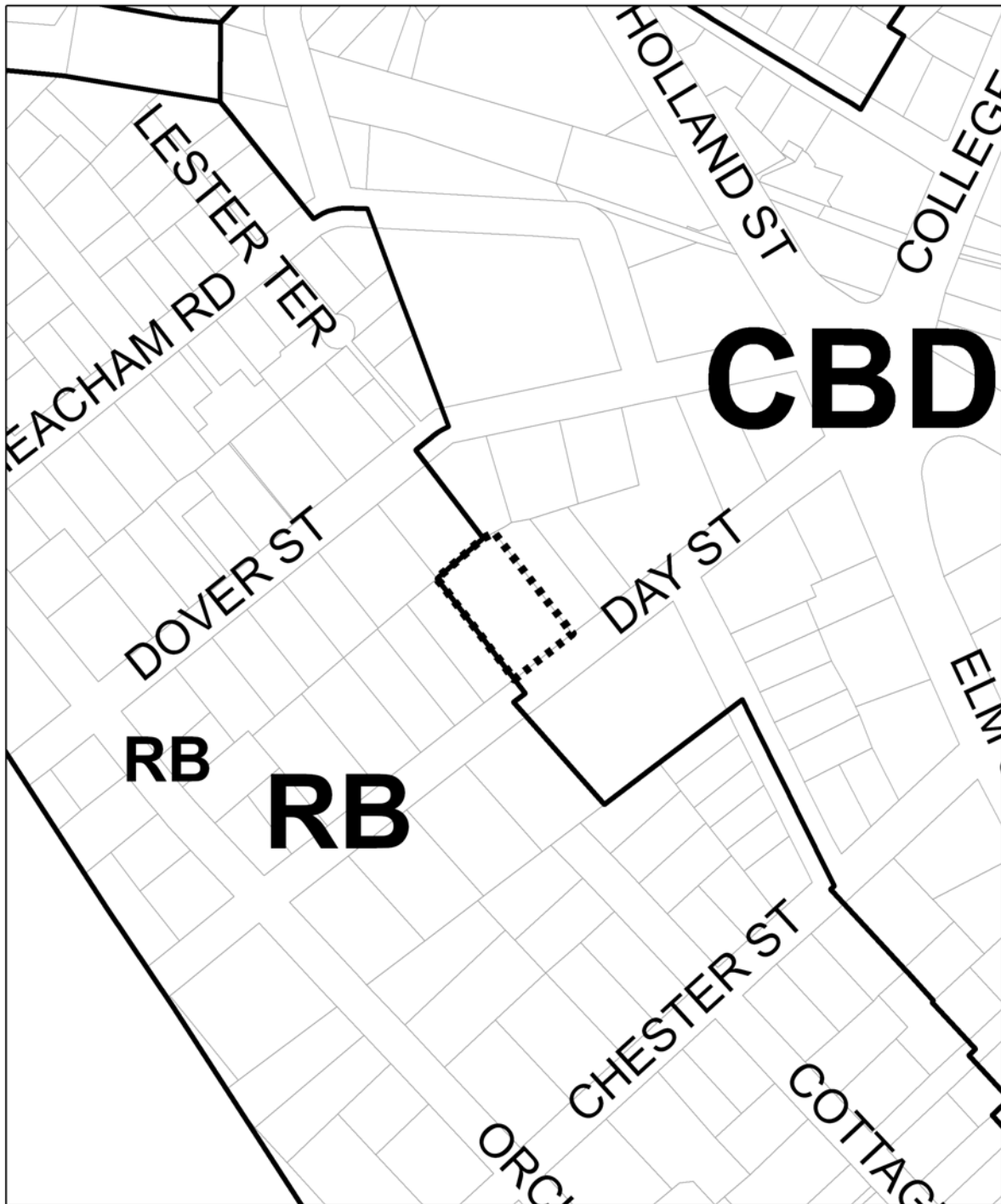
#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for a reduction of the required parking spaces from six (6) to zero (0), and to allow for the establishment of an approximately 750 sf bar in order to develop a restaurant and bar of approximately 4,200 sf within the existing bowling alley. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent: <table><tr><th>Date (stramp date)</th><th>Submission</th></tr><tr><td>(5/14/09)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>6/24/09 (7/10/09)</td><td>Floor Plan submitted to OSPCD (A-1)</td></tr></table> Any changes to the approved plans or use must receive ZBA approval.	Date (stramp date)	Submission	(5/14/09)	Initial application submitted to the City Clerk’s Office	6/24/09 (7/10/09)	Floor Plan submitted to OSPCD (A-1)		Plng.	
Date (stramp date)	Submission									
(5/14/09)	Initial application submitted to the City Clerk’s Office									
6/24/09 (7/10/09)	Floor Plan submitted to OSPCD (A-1)									
2	The applicant shall purchase 125 City of Somerville Parking Meter Cards at an amount of \$20 each from the Office of Traffic and Parking. The applicant shall make the cards available on premises for purchase by the general public during regular hours of operation. The cards may be sold at a value no greater than the amount paid to Traffic & Parking. The Applicant shall also participate in any City efforts to market the parking cards.	CO	T&P							
3	Any proposed new signage shall be approved by Planning Staff	CO	Plng							
4	Four (4) bicycle parking spaces shall be provided which can be met with two (2) "U" type bicycle racks.	CO	Plng.							

5	The applicant shall develop a plan to mitigate any potential negative effects from the bar use such as noise or loitering to be approved by Planning Staff.	Building permit	Plng.	
6	Ten (10) lanes for bowling shall remain available for public use and shall be kept in working order. The applicant shall make best efforts to retain three (3) lanes beneath the new floor construction. Two (2) lanes may be removed and stored for potential future restoration.	CO	Plng.	
7	The Applicant must contact the Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final Building Permit Signoff	Plng. / ISD	

Sincerely,



Kevin Prior
Chair



45 DAY STREET