



CITY OF SOMERVILLE, MASSACHUSETTS

PLANNING BOARD

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Case #: 2008-17

Site: 1147 Broadway

Date: May 15, 2008

Recommendation: Conditional Approval

PLANNING BOARD REPORT

Applicant Name: Ali Sati

Applicant Address: 55 Langdon Street #1, Cambridge MA 02138

Property Owner Name: Shree Ganesh Realty Trust

Property Owner Address: 1274 Broadway, Somerville MA 02144

Alderman: Trane

Legal Notice: (Applicant: Ali Sati, Owner: Shree Ganesh Realty Trust) The Applicant seeks a special permit under SZO 9.13.a and 9.13.d to provide parking on a separate lot for a restaurant use.

Zoning District/Ward: NB / 7

Zoning Approval Sought: Special Permit under SZO §9.13.a, 9.13.d

Date of Application: March 19, 2009

Date(s) of Public Hearing: ZBA: 5/7/08

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on May 15, 2008 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 Permit**.

In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The property is a three-story mixed use building on an approximately 13,000 square foot lot. There are retail uses on the ground floor and four residential units above. The structure is brick masonry. The retail space for the proposed use is approximately 550 square feet. It is currently vacant and the prior use is listed as a real estate office.

The property for the proposed parking is 5548 square feet. In 1964 a prior owner received a special permit to construct the parking lot. The ZBA file did not include information on who would be utilizing the parking on this lot.

2. Proposal: The Applicant would like to open a restaurant at 1147 Broadway. The use is allowed under 2,500 s.f. in a NB district. The Applicant is seeking a special permit for the five required spaces for this use. The restaurant would have thirty-four seats and two employees. The Applicant is not certain of the hours of operation; however, he stated that the restaurant would not be open after midnight. There are no proposed changes to the façade of the building.



View of 1147 Broadway from Curtis Street



View of 8 Curtis Street Parking Lot

3. Nature of Application: According to Inspectional Services Division the change in the use requires five additional parking spaces. There is no space for on-site parking. The Applicant is proposing to provide these five parking spaces on a separate lot, which requires a special permit for modification of parking requirements under §9.13.a, modification of parking requirements and §9.13.d, parking on a separate lot.

4. Surrounding Neighborhood: The property is located within the heart of Teele Square and is amongst commercial buildings housing restaurants and retail establishments. It abuts a residential district with two-, three-, and multi-family homes. Broadway has on-street, metered parking on both sides of the street.

5. Impacts on Abutting Properties: The new use could positively impact the surrounding businesses by bringing pedestrians to the area. The five required spaces would be provided for patrons of the restaurant, which would mitigate an increased demand for on-street parking spaces.

5. Green Building Practices: None.

6. Comments:

Traffic and Parking: Terence Smith has no objection to the special permit if the submitted information is accurate and the conditions related to signage controlling the parking are met. The parking lot was in use during both of his site visits.

Aldermen: Alderman Trane has been contacted regarding this application and has not provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §9.13.a and §9.13.d):

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."

In considering a special permit under §9.13 of the SZO "the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4". 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.

The Board finds that providing parking on a separate lot would not cause detriment related to the above criteria. The parking lot is approximately fifty feet from the proposed restaurant lot and it is in the same ownership.

With respect to Section 9.1, the Board finds that granting the requested special permit would 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 Teele Square.

Shree Ganesh Realty Trust is the owner of both the proposed restaurant and proposed parking lot. Laxmi Pradhan, on behalf of the Trust, submitted a letter authorizing 5 of the 20 parking spaces at 8 Curtis Street to be used for the restaurant located at 1147 Broadway from 6am to 12am seven days per week. The landlord allows people to park in the lot but stated that the parking spaces are not required for another use.

The Applicant shall post signs at the parking lot entrance and in front of the five parking spaces stating that the spaces are for patrons of a specific restaurant only. For enforcement purposes, the signs shall list a tow truck company name and phone number so that if a car is parked for more than 2 hours, the car will be towed. There are similar models of similar off-site parking in the City such as at 154 Highland Avenue.

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 Board finds that the proposal is consistent with the purpose of Neighborhood Business District, as defined in SZO §6.1.4, which is to "[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."

The proposal is also consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to "conserve the value of land and buildings," to "provide for and maintain the uniquely integrated structure of uses in the City" and to "encourage the most appropriate use of land throughout the City."

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 use of the restaurant would be a compatible use for Teele Square.

5. Vehicular and Pedestrian Circulation: The Applicant must ensure that "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."

The City's Department of Traffic and Parking has reviewed this proposal. The proposed parking would be located in an existing parking lot. Parking in this lot for the restaurant would not create significant traffic congestion or the potential for traffic accidents.

III. RECOMMENDATION

Special Permit under §9.13.a and 9.13.d

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

The Board finds that this application complies with the requirements for granting a special permit as set forth under §5.1.4 and that the proposed parking would not cause detriment to the surrounding neighborhood.

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 providing 5 required parking spaces on a separate lot. This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:	BP/CO	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>March 19, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>April 7, 2008</td><td>Modified plans submitted to OSPCD (floor plan)</td></tr></table>	Date	Submission	March 19, 2008	Initial application submitted to the City Clerk’s Office	April 7, 2008	Modified plans submitted to OSPCD (floor plan)			
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	Any changes to the proposal must receive ZBA approval.									
2	The Applicant shall post signs at the parking lot entrance and in front of the five parking spaces stating: the spaces are for patrons of the specific restaurant at 1147 Broadway, there is a 2-hour time limit, and violators will be towed by a tow truck company name and phone number.	CO/Cont.	Traffic & Parking							
3	The Applicant shall contact 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.	CO/Cont.	Plng.							

Sincerely,



Kevin Prior
Chairman

Cc: Applicant: Ali Sati
Owner: Shree Ganesh Realty Trust

