



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2010-04
Date: August 24, 2010
Recommendation: Deny SP

PLANNING STAFF REPORT

Site: 299 Broadway

Applicant Name: Comar Real Estate Trust – James Cohen, Trustee

Applicant Address: 89 Winchester St, Brookline, MA 02446

Property Owner Name: same

Agent Name: Robert L. Allen, Jr., Esq.

Agent Address: 300 Washington St, Brookline, MA 02445

Alderman: Walter Pero

Legal Notice: Applicant/Owner, Comar Real Estate Trust – James Cohen, Trustee, seek a special permit for the use of a Large Retail general merchandise store (SZO §7.13.K) and a special permit to alter the structure and signage (§6.1.22.D.5).

Zoning District/Ward: CCD 55 / 4

Zoning Approval Sought: Special Permit (§5.1)

Date of Application: Mar 22, 2010

Dates of Public Hearing: Planning Board 6/24/10

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is located on Broadway between Temple and Grant Streets in Winter Hill. The property is approximately 117,959 square feet and is made up of three lots under the same ownership. The largest lot is approximately 96,886 square feet and includes a 27,132 net square feet one-story structure. Built in 1967, the structure is currently vacant and was formerly a Shaw's supermarket. A RiteAid pharmacy is also located on the property across a common parking lot. The property was approved for a special permit to remodel the structure in 1990 and to install a satellite dish in 1993.



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2. Proposal: The proposal is to change the use of the existing 27,132 square foot structure from a Supermarket to a General Merchandise Store within the Large Retail use cluster in the CCD-55 district. Specifically, the applicant is proposing an Ocean State Job Lot discount merchandise store. The proposal includes façade improvements, signage, and landscaping. The interior of the structure will be renovated but the existing footprint will remain the same. Ocean State Job Lot is a Rhode Island-based retail chain that primarily sells overstocked and discontinued brand-name merchandise. The store will employ approximately 50-60 people and operate Monday-Saturday from 8am to 9pm and on Sundays from 9am-8pm.



Broadway looking southeast



Former Star Market

The majority of the Job Lot stores are located in former supermarket sites that have been abandoned by supermarkets. Typically, these are anchor stores in strip malls that grocers have left to develop larger stores nearby. While Ocean State Job Lot has many different sized stores, there are few that are freestanding sites, and none that are as integrated into an urban neighborhood. Most communities that have a Job Lot allowed them into their suburban strip centers by right. Job Lot was a controversial addition to Chatham, MA, where it is located in a free-standing store on the outer fringes of the community, far from the walkable town center. In Dennisport, MA the Job Lot is in a small center with a Dollar Tree store adjacent to a small walkable neighborhood center. In conversations with members of the Dennisport Revitalization Committee, they indicated that the Dennisport Job Lot has not served as a neighborhood anchor and has not helped to revitalize the adjacent walkable business district. In most other locations, such as South Yarmouth, MA, the Job Lot is an anchor in a larger automobile-oriented retail strip center.

3. Nature of Application: In the CCD-55, the SZO §6.1.22.D.5 states that any alteration to façades and any change in signage other than a one-for-one replacement of an existing sign shall require a special permit. In addition, uses in the CCD-55 are governed by SZO §7.13.K. A special permit is required for a change of use in Cluster K – large retail and service of more than 10,000 net square feet per establishment. A special permit is required for changes in large-format retail and service activities to ensure that the impacts of these uses are compatible with the neighborhood and consistent with the purpose of the CCD zoning districts.

4. Surrounding Neighborhood: The surrounding neighborhood is a mix of residential and commercial uses. The property abuts the Residence B district. One- and two-family dwellings are located to the side and rear of the property on Grant and Sewall Streets. The property is also adjacent to office and retail uses along Broadway and Temple Street, including Brazil Dental Center and Winter Hill Liquor Mart. The Winter Hill shopping district includes primarily local serving businesses such as a bakery, post office, barber shop, hair salon, nail salon, and several pizzerias among other uses. All are small scale with approximately 30 foot wide storefronts that are located directly on the sidewalk. Aside from the vacant Star Market building, the next largest retail establishment is the Rite Aid drug store on the same site.

5. Impacts of Proposal: The applicant states that the interior and exterior changes and the proposed landscaping will benefit the surrounding neighborhood. The new use will not involve cooking or the storage of cooking oils, and will result in reduced trash and waste production as compared to the former supermarket. The exterior improvements to the building will address issues of disrepair on the property.

6. Green Building Practices: The applicant will reuse materials from the interior of the building, improve the energy efficiency of the lighting and HVAC system, and convert a loading zone into a landscaped area.

7. Comments:

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

Ward Alderman: Has been contacted. Alderman Pero encouraged the applicant to set up two neighborhood meetings on June 30, 2010 and August 17, 2010 that were attended by OSPCD staff. Alderman Pero has not provided comments to OSPCD at this time, but has forwarded an extensive set of comments received from constituents.

Lights/Lines/Highway: Has been contacted but has not provided comments.

Wiring Inspector: John Power, Wiring Inspector, stated, "I do not foresee any issues with this build out, as the Star Market electrical demands would have been greater than the proposed use."

Traffic & Parking: Has been contacted. Terrance Smith reviewed the initial traffic information and stated that Traffic and Parking will only review and comment on a Traffic Impact Analysis for the subject property. Initially, the applicant submitted a Traffic Impact Analysis for an Ocean State Job Lot in Westerly, Rhode Island. Specifically, Traffic and Parking indicated that: "In order to provide an accurate review of trip generation and parking generation at an urban supermarket and discount store, it is requested that empirical data be gathered at a comparable urban location with the same population and characteristics as 299 Broadway for both a supermarket and discount store. This data should be provided in a similar format as submitted in the provided Traffic memorandum." Additional traffic information has been provided to Traffic and Parking and to OSPCD for review. This information is included in the Planning Board's packet, and it is currently being reviewed by Traffic and Parking. A comment is expected before the meeting on August 24th and will be provided to your Board when it is available.

8. Public Comments:

Public Comments: An extensive set of public written comments have been provided to date for the Planning Board's review and consideration. As noted above, some have been forwarded to Alderman Pero, while others have been sent directly to OSPCD staff.

A minority of the comments supported the proposal. These were from a range of residents who generally fit into one of a few categories:

- Some comments originated from immediate abutters whose support for the project is based primarily on their concern about the existing condition of the site and a hope that a new tenant would help clean a site that has been vacant for too long
- A few comments originated from throughout the city, indicating general support for the business but providing few details
- A few comments identified specific experiences with shopping at a Job Lot store either while on vacation or through travelling to other Job Lot stores seeking the bargain merchandise that they offer and supporting the business as providing access to such merchandise in Somerville.

A majority of letters opposed the proposal. These letters struck a number of themes:

- Some expressed general dislike for a discount store, suggesting that it is important to hold out for a tenant for the site that offers a higher quality of merchandise.
- Some reiterated the goals of the re-zoning, with hopes that the land owner would commit to a redevelopment of the site into a multi-story mixed-use project with high quality first floor retail.
- Many of the letters called out the need to provide fresh food in the neighborhood, especially a need for fresh healthy food options within walking distance of Winter Hill residences. There were suggestions for alternative uses of the site either through redevelopment or reuse of the existing structure. Trader Joe's and/or a farmer's market were raised repeatedly, but others suggested ethnic supermarkets or a second Market Basket as a possible future occupant of the site.
- A recent study provided by Shape Up Somerville indicated a shortage of fresh and healthy food options in Winter Hill, and a recent survey indicated that Winter Hill residents are seeking a farmers market or supermarket.

- A group of residents have also started an on-line petition to the Board against this proposal and indicated to OSPCD staff their intention to submit it as an official part of the record at the meeting on August 24, 2010.

The combination of the public comment to the Board and participation in the two community meetings have shown that there is significant interest in this project throughout the city.

II. FINDINGS FOR SPECIAL PERMIT (SZO §7.13.K and §6.1.22.D.5):

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."

To the extent possible for the existing structure, the proposed façade and signage changes comply with the design guidelines for the CCDs (§6.1.22.H). The applicant worked with Staff to increase visual and pedestrian interest along Broadway through the addition of five columns to the windowless brick façade. The existing metal roofing will also be repainted in a more aesthetically appropriate color.

Despite compliance, the positive impact of the changes is limited by the massing and siting of the existing structure. The property will continue to lack an inviting and pedestrian-oriented streetscape without substantial renovation or redevelopment that is not a part of this proposal. The proposal does not encourage pedestrian activity as it fails to reorient the main entrance toward the sidewalk. The parking lot remains the dominant feature of the property rather than being hidden from view. The applicant did not provide any significant buffer between vehicles in the parking area and the pedestrians on the sidewalk. The existing guardrail that is designed to be appropriate for a highway, not a walkable neighborhood, would remain on this site plan. The most significant barrier to pedestrian activity is the use of the structure itself. While the previous use on this site was a supermarket that met the daily needs of residents, the proposed use is a store that is designed to draw from throughout the region and encourage fewer trips with larger purchases, a model that is not compatible with pedestrian activity.

In general, while this proposal will fill a vacant building, it will not bring any significant benefit to the streetscape and urban design of Broadway on Winter Hill.

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 purpose of the SZO includes requirements in Section 1.2 to:

- Conserve the value of land and buildings;
- Encourage the most appropriate use of land throughout the city; and,
- Increase the amenities of the municipality.

The proposal is not consistent with the specific purpose of the SZO above. The proposal ensures that a valuable parcel of land that was identified for up-zoning in a new zoning district approved in February 2010 will remain with a single story structure at a floor-area ratio under 0.3 for the foreseeable future. The proposal ensures that the site will not be conserved and used for its greatest value. The proposal limits the site to a use that is not the most appropriate use of the land and limits the ability to bring new amenities to the Winter Hill neighborhood.

More specifically, the purpose of the CCD-55 zoning district in Section 6.1.22.A is to:

- Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
- Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
- Preserve and complement historic structures;
- Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
- Promote pedestrian and bicycle activity.

The CCD-55 zoning district was adopted for this area of Broadway in February of 2010. This zoning amendment was the culmination of an extensive community outreach and participation process designed to develop and implement a vision for the Winter Hill and East Somerville neighborhoods. Throughout this process, community members expressed their support for zoning that encouraged a balance between old and new, by preserving and complementing historic structures while increasing investment in high-profile areas. The community identified a preference for the establishment of more mid-rise mixed-use development in the area, and the importance of a high quality public realm for pedestrians and bicyclists especially in light of the forthcoming Green Line Extension which will bring rapid transit to nearby Gilman Square. As a result of this process, the zoning amendment balanced an up-zoning of development capacity along much of the corridor with the establishment of strict development standards and design guidelines to ensure that development meets or exceeds community expectations. Within the CCD-55 zoning district the maximum floor-area ration (FAR) is now 3.0. This development capacity is established to provide a catalyst for transformative development that will change the nature of Broadway, fill the gaps in the streetscape, and encourage new business that will complement the existing business mix and encourage shoppers to visit multiple businesses within the neighborhood on single trips.

This proposal would impact one of the most significant sites within the new zoning districts on Broadway. The location is a key corner with has significant street frontage that has the ability to define the character of this area for many years. Use of this site can strengthen or detract from nearby neighborhood-serving businesses in a way that no other property in this district can. After careful consideration of how the proposal will interface with the rest of the fabric of this neighborhood-serving business district, OSPCD staff have concluded that this proposal is not consistent with the purpose of the CCD district, as follows:

a. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street

Ocean State Job Lot has a reputation of being well-run discount establishment that finds overstock and discontinued items to sell at a discount. The merchandise is always changing based upon the deals that they are able to find. Many supporters of the store find it valuable to return every few weeks to find new bargains. Despite their reputation for being a well-run establishment, they do not generally perform significant exterior improvements to their facilities to open a new store, although

the extent of exterior improvement proposed for the Somerville site exceeds their typical level of investment in a new store.

As noted in the purpose statement, the intent of the zoning district is to facilitate mixed use, multi-story development, of which this project is neither. In acknowledgement that significant redevelopment of the site was unlikely given the current economic circumstances, Staff attempted to see if the property owner was amenable to a time-limited special permit that would allow for regular discussions about redevelopment of the site in a more supportive economic situation – a type of agreement which has been reached on several properties elsewhere in Somerville. Instead, the owner indicated that he recently extended the lease for the existing drug store and he has indicated that the lease for this tenant would be for a ten year term with multiple extensions. The owner has also refused to divide the store into smaller stores that could allow for a specialty or ethnic food market that would be more compatible with community needs in the short term. The owner's actions in this instance seek to extend the status quo far into the future, limiting any redevelopment opportunity of the largest and most valuable parcel of land within the new Broadway rezoning area. Therefore, the project is directly in conflict with the purpose of encouraging mid-rise development.

Further, the proposed use will reinforce the auto-oriented nature of the property instead of contributing to a multi-modal-friendly street. Although landscaping will begin to break up the expanse of parking lot, the addition of greenery will be minimal. The current configuration of the structure combined with the nature of the use makes the proposal inconsistent with the goals of a multi-modal street and inappropriate for the neighborhood.

b. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings

The store provides a stable base of merchandise including some food items, but daily food needs, including fresh healthy fruits and vegetables are not a part of their business model. In significant written comments submitted to the Planning Board many residents have identified the need for fresh foods as the primary neighborhood need. Furthermore, a survey in Winter Hill completed by the Shape Up Somerville program indicated that residents are seeking more fresh fruits and vegetables as a part of their shopping needs. They also generally indicated that they often walk and/or bike to the grocery store and that existing stores are rather far from the neighborhood.

Any combination of development or redevelopment of the primary opportunity site within the neighborhood would benefit from the inclusion of retail that sells fresh foods. While the owner has indicated that he made an effort to rent the existing building to many food establishments, he indicated that the building is too small for a conventional supermarket and too close to competition. When smaller specialty markets were suggested, the owner indicated in the June 30, 2010 neighborhood meeting that such a store would require a smaller space and indicated that he was unwilling to divide the existing building.

A general merchandise discount store, such as a Job Lot, in this location will cater to customers coming a significant distance from the store via automobile, just as their stores in other parts of Massachusetts do. Shoppers at stores of this nature and in this particular configuration are typically going to the location solely for the purpose of shopping at the specific discount store and will then return home with their purchases. As a result, their presence will not benefit the adjacent businesses, as it is unlikely that they will then elect to browse in the more pedestrian-oriented stores across or further down the street. Basically, they will park, enter the store, return to their car, and exit the neighborhood. This is contrary to a fundamental objective of the new zoning. (Note that some

success has been found in commercial districts with regional serving uses when the parking for the uses is remote from the store and visitors are thus compelled to walk past other storefronts on their way to their primary destination.)

c. Preserve and complement historic structures

There are no historic structures on the site. But, by retaining the structure's existing footprint, the proposal perpetuates a single-tenant, single-use building that turns a blank side to Broadway, and provides no complement to historic development pattern in the surrounding residential neighborhood which consists of small storefronts that open onto the sidewalk. The applicant did indicate that they will provide new design features along the Broadway façade to minimize some of the effect of the large single-story structure, but these do not complement the neighborhood to the extent that a well designed multi-story building would.

d. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors

Rather than being largely neighborhood serving, the proposed use draws on a regional market. Current Job Lot locations are limited in the immediate Boston area. The nearest stores are in Quincy and Danvers. A Somerville store is likely to result in significant vehicle trips from outside of the city. The applicant has been asked to provide information about the general catchment area for travel to their stores, but has failed to provide this information.

While the applicant's traffic impact analysis concludes that the Job Lot will generate fewer trips than the former supermarket, it indicates a higher parking demand. OSPCD staff acknowledges this. The combination of a reduction in daily trips with an increase in parking demand suggests that this use will generate fewer, longer trips to the store. This is the travel pattern of a regional draw that seeks customers on an occasional basis. Furthermore, the share of trips made by private vehicle may actually increase due to customer origins, replacing pedestrian and bicycle trips that were previously made from within the neighborhood. (see Section e, "promote pedestrian and bicycle activity", below.)

Therefore, despite the reduction in total number of trips, a discount store with a regional draw is likely to generate longer-distance vehicle trips, thereby creating a regional draw automobile oriented store in a location that is intended to strengthen the transit-based mixed-mode transportation system that is the basis for Somerville's future. And, while the proposed use may generate fewer trips than a supermarket, it does not negate the simple fact that a large discount store in this location is a significant trip-generating auto-oriented use that is inconsistent with the purpose of this district.

e. Promote pedestrian and bicycle activity

An urban neighborhood supermarket or other primarily local serving use(s) could generate a significant portion of its trips through walking and biking. According to the extensive field research conducted by the applicant's traffic engineer existing supermarkets in Somerville showed a 16% walk/bike split for the Market Basket on Somerville Avenue, 13% for the new Stop and Shop that is buffered from nearby neighborhoods by the McGrath Highway, and a 35% walk/bike share for the Foodmaster and Star Market stores on Beacon Street, the locations that are most similar in demographics and physical layout to the Broadway location. Only the Whole Foods, on the edge of the busy Alewife Brook Parkway generated a low walk/bike mode share. A discount store is unlikely

to provide the sort of mode split of an urban supermarket, and the applicant has provided no data to suggest that Job Lot will generate this portion of local walk/bike traffic.

Therefore, the location of the proposed discount store at 299 Broadway does little in its urban design to support pedestrian and bicycle activity, and its use does not encourage pedestrian and bicycle activity. The lack of fresh food options requires residents in this neighborhood to travel farther, often by car, to meet daily grocery needs. Furthermore, tying up this redevelopment site for a long term purpose further limits the ability to provide housing and commercial opportunities within walking and biking distance of the rest of the Winter Hill neighborhood on this site.

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 proposed changes to the structure's façade are compatible with the built and unbuilt surrounding area, insofar as they will improve the appearance of the currently vacant building. The applicant has provided façade improvements to address issues that were of concern to the Planning Staff. Furthermore, the applicant has agreed to 'green' the former loading dock areas that face Grant Street and Broadway, limiting loading activities to the corner of the building furthest from the street and greatly reducing a neighborhood impact of the former supermarket use.

Nonetheless, the improvements only provide minimal benefits to an otherwise inappropriate and poorly-defined building in the neighborhood. The structure, even with improvements, is not compatible with the more traditional storefronts on adjacent and nearby blocks, the parking lot and guardrail remain and the upgrades do little to encourage additional pedestrian activity on Broadway.

III. RECOMMENDATION

Special Permit under §5.1.4

The proposed Ocean State Job Lot at 299 Broadway is inconsistent with the zoning purpose statements (SZO and CCD District) and thereby fails to meet the criteria for a special permit. Three primary factors show the inconsistency: the use proposed on the site the structure it is proposed to occupy, and the time in which it is will remain.

Use – the CCD purpose statement clearly seeks uses that are predominantly local serving. While this allows room for some regional serving uses to be permitted, these are expected to be placed within the context of a mixed use development, not as single uses on large scale sites within a neighborhood shopping district. In considering how this could be applied at 299 Broadway, a regional serving use could be acceptable if it was located within a quality mid-rise mixed-use building, mixed with other local serving retail uses, and placed some distance from parking. Unfortunately, such a proposal is not before the Board.

Building Form – The existing structure at 299 Broadway is completely inconsistent with the design guidelines of the new CCD zone and buildings of its type were one of the reasons why the zoning was adopted. Historically, Winter Hill has contained small scale stores located immediately on the sidewalk and geared toward pedestrians. In many locations, the multi-story buildings that were found in Winter Hill prior to WWII have been reduced in size, but the physical form of the storefronts has remained consistent over time. Instead of the traditional pedestrian oriented storefronts, the 400 foot frontage of 299 Broadway consists of a massive parking lot and the side of a building and its design negatively affects all surrounding businesses. Studies have shown that one-sided shopping districts – as is the case

in Winter Hill – are less successful than two-sided shopping districts where stores face each other. The proposal before the Board makes some gestures to improve the side of the building, but this does little to improve the pedestrian experience on this side of the street and does nothing to support business activity opposite.

Timing – In prior decisions, the Planning Board has indicated its understanding of today's economic circumstances and has been willing to issue limited duration permits for uses on properties where redevelopment is desired in the long term. These permits have been issued in a sense of collaboration with the property owners and are written to ensure that the vision for the property will ultimately be realized. In the instance of 299 Broadway, no recognition exists of the merits of the City's long term vision and instead, the property owner has indicated a strong desire to freeze the property in its current status for potentially decades into the future. Approval of the requested special permit would ensure that little or no change happens in Winter Hill even after the new transit station opens in the next few years. Given that surrounding businesses are already struggling and many are continuing on in hopes that the neighborhood will turn around, approval of the proposed permit could potentially result in more vacancies and disinvestment.

This particular use in this existing structure is an unacceptable combination. While this use as a part of a new structure may be appropriate and other uses within the existing structure may provide a short term solution, neither option is before this Board at this time. Establishing the proposed Ocean State Job Lot on this site would negate the effort and the results of the extensive community input, visioning, goal setting and rezoning exercise that was completed when the CCD-55 zoning was established on this site in February 2010.

Based on the above findings, the Planning Staff recommends **DENIAL** of the requested **SPECIAL PERMIT**.

