



CITY OF SOMERVILLE, MASSACHUSETTS
PLANNING BOARD
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MICHAEL A. CAPUANO, ESQ. (ALT.)

Case #: ZBA 2008-47
Date: September 4, 2008
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 708 Broadway

Applicant Name: Mike Moccia – Ball Square Cafe

Applicant Address: 708 Broadway

Property Owner Name: Vittorio Moccia

Property Owner Address: 710 Broadway, Somerville MA

Agent Name: None

Alderman: Gewirtz

Legal Notice: The Applicant seeks a special permit under SZO 9.13.a for modification of parking requirements in order to increase the number of seats in the restaurant.

Zoning District/Ward: Neighborhood Business / 6

Zoning Approval Sought: Special Permit

Date of Application: August 11, 2008

Date(s) of Public Hearing: ZBA: September 17, 2008

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on September 4, 2008 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0 with Linda Bohan and Elizabeth Moroney absent), 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 3280 square foot lot with two businesses located in the one-story building. The restaurant, Ball Square Café and Breakfast, currently has 24 seats. The seating area is 502 square feet. There are currently no off-street parking spaces provided.

2. Proposal: The Applicant is proposing to add 12 seats to the restaurant for a total of 36 seats. There is no opportunity to provide parking on-site without demolition of the building. The applicant is not proposing any alterations to the storefront or additional fulltime employees.

3. Nature of Application: The 12 additional seats require 3 parking spaces, which the Applicant is not able to provide. The Applicant is requesting a special permit under SZO §9.13 to reduce the number of off-street parking spaces required. 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."

4. Surrounding Neighborhood: The subject property is located in the Ball Square Neighborhood Business district which features predominantly ground floor commercial uses. There is metered parking along Broadway. There is access to public transportation with bus routes that pass through the Square. To the south of the property is a residential neighborhood of two-family homes.

5. Transportation Mode Study: The Applicants hired Traffic Solutions to conduct a study of the modes of transportation and shared trips to the restaurant (attached). The results of the mode of choice of customers at the restaurant from 10 am 1 pm on a Sunday were 75 percent traveled by carpool, biked, or walked and 25 percent drove their own vehicle to the café. Twenty-seven percent of the patrons that were at Ball Square Café at this time were also visiting other businesses in Ball Square. These shared trips reduce the number of overall vehicle trips generated to Ball Square.

6. Impacts on Abutting Properties: The transportation mode study states the following: many patrons of the restaurant do not drive their own vehicle to the café, 12 new seats will likely not attract new customers but address the existing customer demand during peak periods, and the additional spaces required are not likely to impact abutters.

7. Green Building Practices: None.

8. Comments:

Traffic and Parking

"I have reviewed the Traffic Memorandum prepared by Traffic Solutions concerning the expansion of Ball Square Cafe. Ball Square Cafe proposes to expand their seating capacity by adding an additional 12 seats. This expansion per the Somerville Zoning Ordinance would require 3 off street parking spaces. The submitted Traffic Memorandum and Study does support the conclusion that these additional 12 seats will have minimal impact on traffic and parking in the area of the cafe. Patrons of this establishment will continue to car pool, walk and/or bicycle to this store. However since there will be additional patrons walking and bicycling to the store, mitigation for the three parking spaces is required. In order to enhance pedestrian and bicycle safety the proponent for Ball Square Cafe should purchase and deliver to the City three Pedestrian Impact Recovery Systems for installation in the vicinity of the Cafe. Provided this provision is incorporated, Traffic and Parking will have no objection to this application."

II. FINDINGS FOR SPECIAL PERMIT (SZO §9.13.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."

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 the parking relief would not cause detriment to the neighborhood related to the above criteria. The results of the transportation mode study show that the additional 12 seats will have minimal impact on traffic and parking in the area. Patrons of this establishment will continue to car pool, walk and/or bicycle to this store. Since there will be additional patrons walking and bicycling to the store, mitigation for the three parking spaces is required.

With respect to Section 9.1, the Planning 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 Ball Square.

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 Neighborhood Business District is, "[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." Allowing increased seating with no off-street parking would be consistent with the purpose of preserving this small scale business.

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 would be no change to the exterior of the building. Increasing the number of seats is compatible with the demand for restaurants in Ball Square.

III. RECOMMENDATION

Special Permit under §9.13.a

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 increased seating proposed would not be substantially more detrimental to the neighborhood than the existing seating configuration.

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 the addition of 12 seats to the restaurant for a total of 36 seats This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	CO	Plng.							
	<table><tr><th>Date</th><th>Submission</th></tr><tr><td>August 11, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>August 26, 1008</td><td>Plans submitted to OSPCD (Plot Plan, Seating Plan)</td></tr></table>				Date	Submission	August 11, 2008	Initial application submitted to the City Clerk’s Office	August 26, 1008	Plans submitted to OSPCD (Plot Plan, Seating Plan)
	Date				Submission					
	August 11, 2008				Initial application submitted to the City Clerk’s Office					
	August 26, 1008				Plans submitted to OSPCD (Plot Plan, Seating Plan)					
Any increase in the approved number of seats must receive ZBA approval.										
2	Ball Square Cafe should purchase and deliver to the City three Pedestrian Impact Recovery Systems for installation in the vicinity of the Café.	CO	T&P							
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.	Final sign off	Plng.							

Date: September 4, 2008
Appeal #: ZBA 2008-47
Address: 708 Broadway

Sincerely,



Kevin Prior
Chairman

Cc: Applicant: Mike Moccia

