



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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JAMES KIRYLO
DANA LEWINTER, ALT.

Case #: 2009-30
Date: September 3, 2009
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 719 Broadway

Applicant Name: Chandra Pun

Applicant Address: 1 Cypress Road, Apt 103, Brighton, MA 02135

Property Owner Name: Ed Pignone

Property Owner Address: 44 Country Club Road, Stoneham, MA 02180

Agent Name: Andrew Richardson of Merge Architects, Inc.

Agent Address: 374 Congress St, Suite 500, Boston, MA 02210

Alderman: Rebekah Gewirtz

Legal Notice: The Applicant seeks a special permit under SZO 9.13.a for modification of parking requirements by two parking spaces for a by-right restaurant.

Zoning District/Ward: Neighborhood Business / 6

Zoning Approval Sought: Special Permit under §5.1 and §9.13.a

Date of Application: July 14, 2009

Date(s) of Public Meeting • Hearing: Planning Board: 8/20/09 • ZBA: 9/23/09

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on September 3, 2009 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 James Kirylo and Michael Capuano absent, to recommend **conditional approval** of the requested **Special Permit**.



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In conducting its analysis, the Planning Board found:

I. PROJECT DESCRIPTION

1. Subject Property: The property is a one-story commercial building with several storefronts consisting of Princess Nails, True Grounds, Blue Cloud Gallery and Sound Bites. The previous tenant of the 1400 s.f. subject space was Golden Jade Restaurant, which closed in August 2008. The hours of operation and number of employees is not known. The Applicant stated that the restaurant prior to the Golden Jade had a Certificate of Occupancy for an 80 seat dining facility; however, the Golden Jade only had a small dining area with 20 seats and a take-out counter. They also offered delivery service. There are no parking spaces onsite. The property is on the Somerville/Medford City line.

2. Proposal: The proposal is to renovate the space and continue the use as a restaurant serving Indian and Nepali food. There would be 48 chairs and 7 employees at peak times. The hours of operation would be 7:30 a.m. to 10 p.m. daily with a closing time of 11 p.m. on Friday and Saturdays. There is no opportunity to provide parking on-site without demolition of the building. The applicant is not proposing any alterations to the storefront except for signage. The signage design will be worked out with Planning Staff.



3. Nature of Application: Under SZO §9.4.1, nonconformity with respect to parking requirements, the additional seats in the restaurant would require two parking spaces to be provided. Since there are no available parking spaces on site the applicant is seeking a special permit under §9.13.a so that the two parking spaces would not be required for approval of their business.

A restaurant of this size is allowed by-right in the Neighborhood Business District (§7.11.10.1.1.a).

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 and to the north is the City of Medford.

5. Impacts of Proposal: The parking data submitted by Traffic Solutions for the Applicant states that there should be no noticeable impact on traffic circulation patterns or the overall parking within Ball Square as a result of the proposed 48 seats in the restaurant. The restaurant would fill a vacant store front and contribute to the vibrancy of Ball Square.

6. Green Building Practices: The Applicant stated that environmentally responsible materials and equipment will be used when possible as the budget allows. The Applicant does not use Styrofoam for food storage.

7. Comments:

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

Traffic & Parking:

“The applicant seeks a special permit for modification of parking requirements for two parking spaces for a by-right restaurant. The applicant is proposing to re-use the existing Golden Jade restaurant which is located at 719 Broadway.

The proponent has hired the professional Transportation Firm of Traffic Solutions to prepare a Traffic Memo regarding the modification of the two parking spaces and the associated impacts on vehicle and pedestrian travel patterns in the area of the restaurant. Traffic Solutions has submitted a well prepared professional traffic related document. This document reviewed the mode of transportation to various other local restaurants in the Ball Square area as well as other locations in Somerville. This analysis determined that the majority of clients to similar restaurants would arrive via either pedestrian or bicycle mode. Those patrons using vehicles would arrive via pass by or shared trips and not single occupant vehicle solo destination trips. Traffic and Parking concurs with this analysis. Traffic patterns, vehicle delays and vehicle queues would only have a minimal increase and no overall adverse impact on traffic in the Ball Square area if the two required off street parking spaces for this restaurant are not provided. However there will be an increase in both pedestrian and bicycle access to this establishment. Mitigation for these modes of transportation is required.

Traffic mitigation to off set the two off street parking spaces that will not be provided should entail the purchase by the applicant and delivery to DPW of two Pedestrian Impact Recovery Systems and two Pedestrian signs with two phosphorescent glow sticks (to be installed in the u channels of the sign poles) for placement along various pedestrians paths to or in the vicinity of Ball Square.

Provided the above Traffic Mitigation is provided then Traffic and Parking has no objections to this application.”

Ward Alderman: Alderman Gewirtz is in support of the application.

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1 & §9.13):

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 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 Planning Boards agrees with the Traffic and Parking Department to support the reduction in parking requirements allowed under §9.13.a. The applicant has submitted a parking memo that describes why the reduction of two parking spaces would not overall adversely impact the traffic or on-street parking situation. The majority of clients to similar restaurants would arrive via either pedestrian or bicycle mode. Those patrons using vehicles would arrive via pass-by or shared trips and not single occupant vehicle solo destination trips. It is not foreseen that much additional vehicle traffic will be generated by this use. Mitigation for the increase in both pedestrian and bicycle access to this establishment are addressed in the recommended conditions of approval.

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 proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to encouraging the most appropriate use of land throughout the City and the purpose of the district by preserving areas for small-scale retail stores, services and offices. Allowing increased seating with no off-street parking would be consistent with the purpose of preserving this small scale space as a restaurant.

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 Board finds this use to be consistent with the existing context of the area. Most of the businesses in Ball Square do not have off-street parking and rely on on-street metered parking. The new signage for the restaurant will be worked out with Planning Staff and it will be designed in a manner that is compatible with the other businesses in the area.

III. RECOMMENDATION**Special Permit under §5.1 & §9.13**

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the use of a 48 seat restaurant without providing 2 required parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(Jul 14, 2009)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>July 13, 2009 (Aug 28, 2009)</td><td>Plans submitted to OSPCD (floor plan)</td></tr></table>				Date (Stamp Date)	Submission	(Jul 14, 2009)	Initial application submitted to the City Clerk’s Office	July 13, 2009 (Aug 28, 2009)	Plans submitted to OSPCD (floor plan)
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Any increase in seating must receive ZBA approval.										
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
3	The Applicant shall furnish to the City two Pedestrian Impact Recovery Systems and two Pedestrian signs with two phosphorescent glow sticks (to be installed in the u channels of the sign poles) for placement along various pedestrian paths to or in the vicinity of Ball Square.	CO	T&P							
4	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.							

Sincerely,

Kevin Prior
Chairman

Cc: Agent: Andrew Richardson of Merge Architects, Inc.

