



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2009-54
Date: December 3, 2009
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 212 Elm Street

Applicant Name: Davis Square Real Estate LLC

Applicant Address: 745 Boylston Street, Suite 203, Boston, MA 02116

Property Owner Name: same

Property Owner Address: same

Agent Name: Adam Dash, Esq.

Alderman: Gewirtz

Legal Notice: Applicant & Owner, Davis Square Real Estate LLC, seek a Special Permit under SZO §4.4.1 to alter the exterior of the ground floor office space in order to create two by-right retail storefronts of a combined approximately 4,350 square feet.

Zoning District/Ward: CBD / 6

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: November 3, 2009

Date(s) of Public Meeting/Hearing: PB 12/3/09 / ZBA 12/16/09

Date of Decision: N/A

Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a four-story non-medical office building with a bank branch on part of the first floor. The building is approximately 68,065 gsf (64,447 nsf) on an approximately 37,818 sf lot. Currently, approximately 4,348 sf of non-medical office space on the first floor is vacant.



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2. Proposal: The applicant is proposing to alter two existing window openings to create two new entry doors and to construct new metal canopies over said new entries with associated lighting. The purpose of the alterations is to convert the vacant, approximately 4,348 sf of first floor non-medical office space into two retail spaces of approximately 3,469 sf and 879 sf, respectively. Some landscaping will be relocated to accommodate one of the new entries and to create three new surface parking spaces, for a net gain of approximately 105 sf of landscaping. Retail is a by-right use within the CBD district.

3. Nature of Application: The existing structure is non-conforming with respect to rear yard setback requirements. The Applicant therefore requires a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) in order to make alterations to this non-conforming structure. §4.4.1 states, "Lawfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5."

4. Parking: Parking on the site totals ninety-three (93) spaces, with seventy-two (72) spaces in an underground garage and twenty-one (21) spaces in a surface lot. The existing number of parking spaces exceeds the requirements for the current uses in the building as specified by the SZO.

The proposed retail use of the square footage proposed would require seven parking spaces under the SZO (the non-medical office use it would replace requires six spaces). The applicant is proposing to reconfigure the surface parking lot to allow for three additional parking spaces, which would enable six spaces in the surface lot to be dedicated to the new retail use. The total number of parking spaces would continue to exceed the requirements for the building as specified by the SZO. In addition to the on-site parking that is being provided, on-street metered parking as well as a number of municipal parking lots are located nearby in Davis Square, while the MBTA serves the Square with a rapid transit stop as well as with a number of bus services.

5. Surrounding Neighborhood: The surrounding neighborhood is the Davis Square Central Business District, with a mix of retail, office, restaurant, and residential uses. However, to the rear of the site the neighborhood becomes almost exclusively residential, and is comprised primarily of one-, two- and three-family homes.

6. Landscaping: The applicant is proposing to remove 45 sf of landscaping from the corner of the building at Elm Street and Bowers Avenue to allow for a corner entrance into one of the storefronts. 30 sf would be incorporated to the far end of the same landscaping strip further down Bowers Avenue towards the residential areas behind the structure. The reconfiguration of the surface parking lot would allow for the addition of 120 sf of landscaping along the rear property line. These changes produce a cumulative increase in landscaping of 105 sf.

7. Signage: The Applicants have not provided details of the design or location of signage for the proposed tenants (Staples has expressed interest in opening a store in the larger space but has not finalized terms). Any signage proposed would have to be in conformance with Article 12 of the Zoning Ordinance or additional zoning relief would be required.

8. Green Building Practices: None.

9. Comments:

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

Ward Alderman: Has been contacted but has not provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

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."

In considering a special permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing layout of the structure. Staff finds that the proposal would improve the pedestrian experience and safety of the neighborhood by allowing a retail presence on the street level that is currently a vacant office with a wall of windows at street level. The design of the entrances would incorporate the design elements of the windows to seamlessly integrate and improve the appearance of the existing building. Beyond the two entrances and associated details the building would be unaffected.

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 purpose of Central Business District, as defined in SZO §6.1.5, which is to "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." Staff finds that the proposal would create storefronts and retail options that would be beneficial to the pedestrian experience due to the size of the stores and their location near transit and other retail uses.

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."

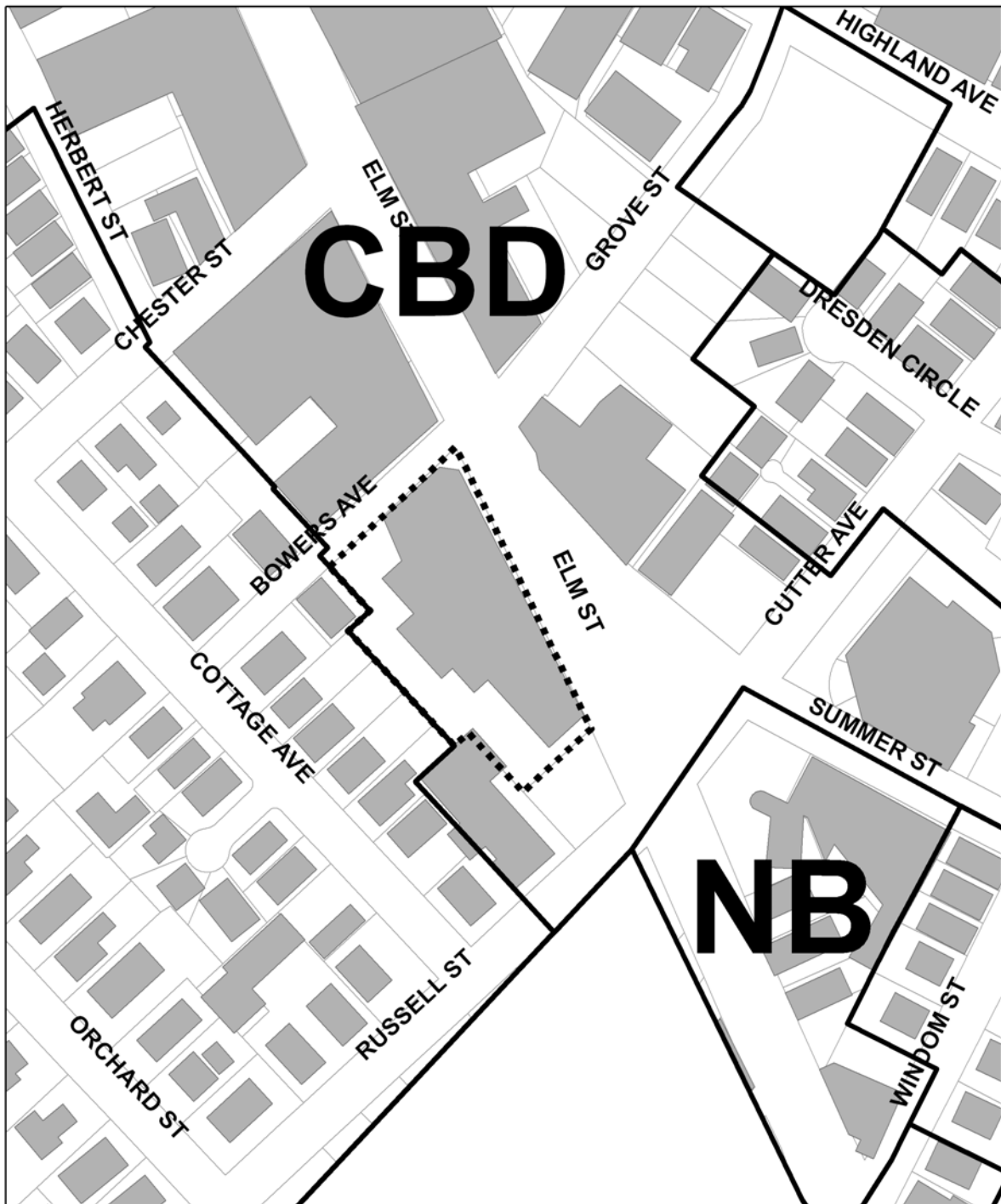
Staff finds that the additional storefronts would be compatible with the existing street level uses in the area. The pedestrian experience would be improved with the addition of these storefronts reducing the dead zone created by the lack of pedestrian access to the building and the wall of windows. The increase in off-street parking spaces and landscaping would be beneficial to the site and the area.

III. RECOMMENDATION

Special Permit under §4.4.1

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the construction of two storefront entryways, metal canopies, lighting and associated entryway components. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	PIng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(11/3/2009)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>10/22/09 (11/24/09)</td><td>Plans and elevations submitted to OSPCD (renderings, A1-A3, S1-S2)</td></tr></table>				Date (Stamp Date)	Submission	(11/3/2009)	Initial application submitted to the City Clerk’s Office	10/22/09 (11/24/09)	Plans and elevations submitted to OSPCD (renderings, A1-A3, S1-S2)
	Date (Stamp Date)				Submission					
	(11/3/2009)				Initial application submitted to the City Clerk’s Office					
10/22/09 (11/24/09)	Plans and elevations submitted to OSPCD (renderings, A1-A3, S1-S2)									
Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	The applicant shall install a bike rack on the property or shall contribute \$350.00 to the City towards the installation of a bicycle ring in front of the property or in an appropriate location nearby, to be installed by the Traffic and Parking Department.	CO	PIng.							
3	Signage for tenants of the two spaces shall be lit by gooseneck lanterns, not by internal fluorescent lamps, and constructed preferably of wood or metal materials.	CO	PIng.							
4	No signage or display materials shall be installed on the inside of the windows or block views into the store interiors.	CO	PIng.							
5	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	PIng.							



212 ELM STREET