



## CITY OF SOMERVILLE, MASSACHUSETTS

### PLANNING BOARD

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**Case #:** ZBA 2008-25

**Site:** 422-424 Highland Avenue

**Date:** June 18, 2008

**Recommendation:** Conditional Approval

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### PLANNING BOARD REPORT

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**Applicant Name:** Robert Chen (Blue Shirt Café)

**Applicant Address:** 980 Main Street Apt #1, Woburn, MA 01801

**Property Owner Name:** Dreyfus Realty Inc.

**Property Owner Address:** 1259 Broadway, Somerville, MA 02144

**Agent Name:** E. Theodore Johnson

**Alderman:** Gewirtz

Legal Notice: The applicant seeks Special Permit approval under SZO§9.13 to reduce the number of required parking spaces in order to expand an existing café.

Zoning District/Ward: CBD / 6

Zoning Approval Sought: Special Permit under SZO§9.13

Date of Application: May 12, 2008

Date(s) of Meetings/Public Hearing: [PB: June 5, 2008 / ZBA: June 18, 2008]

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Dear ZBA members:

At its regular meeting on June 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 Michael Capuano and James Kirylo 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 subject property is an 11,260 square foot lot with the map/block/lot 21/E/17. On this property are two buildings with a combined 23,072 net square feet: one building is a

two story, masonry building with the addresses 5-9 Davis Square and 420, 422 and 424 Highland Avenue; the other building is a three story brick building with the addresses 263, 265, 267, and 269 Elm Street. The property is located at the tip of the block where Highland Avenue and Elm Street come together in Davis Square. The buildings are divided into several storefronts at ground level.

424 Highland Avenue is a 543 square foot commercial store where the Blue Shirt Café conducts business as a sit-down and take-out restaurant. 422 Highland Avenue is a 608 square foot space that was a retail store called Dollar Days, but is currently vacant. Both storefronts are approximately 25 feet in length. The property is located within a Central Business (CBD) district within 1000 feet of the Davis Square T station.

2. Proposal: The Applicant and owner of the Blue Shirt Café is proposing to expand the business into the adjoining vacant store at 422 Highland Avenue. This action would increase the total square footage of the cafe to 1,152 square feet in order to accommodate seating for an additional 40 patrons. The applicant is not proposing any alterations to the storefront or additional fulltime employees due to the expansion. This expansion requires four (4) additional off-street parking spaces under Article 9 of the SZO.

3. Nature of Application: The Applicant is requesting a special permit under SZO §9.13 to reduce the number of off-street parking spaces required by four (4) spaces. 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 Davis Square CBD district which features predominantly ground floor commercial uses. Private off street parking in the area is limited, but there are a few municipal lots nearby. There is access to public transportation with the Davis Square Red Line station and several bus routes that pass through the square.

5. Green Building Practices: None

6. Parking: The proposal to add an additional 40 seats to the restaurant in a space once used for retail requires an additional four (4) parking spaces under the methodology outlined in SZO §9.4.1 for the change in use.

7. Landscaping: The property is nonconforming with respect to requirements for 10% landscaping in the CBD district. The unbuilt portion of the site in the rear does not provide any landscaping and the applicant is not proposing to provide any landscaping.

8. Comments:

Fire Prevention: Steve Keenan reviewed the plans and stated: "I will require the installation of a visual strobe unit in the H/C unisex toilet room. It also appears to me that the existing door to the handicap ramp does not have a fire alarm pull station at the door. If this is the case, a pull station would have to be installed that is accessible for use by people in wheelchairs, etc.

"I am planning to visit this site to see the interior layout. I see an entrance door at the front of the building as well as the existing handicap ramp exit. I want to see if there are any means of egress at the rear of the building."

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

Traffic and Parking: Terry Smith has reviewed the plans and is in favor of the reduction in parking spaces if the applicant will agree to provide 5 parking meters.

## **II. FINDINGS FOR SPECIAL PERMITS (SZO §4.4.1, 7.11.1.c):**

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."

The Applicant requires a special permit under §9.13 of the SZO. Under §9.13, the SPGA may grant a special permit modifying certain parking standards of Article 9 only when consistent with the purposes set forth in §9.1 and that the zoning relief does not cause detriment to the surrounding neighborhood through: increase in traffic volumes, increased traffic congestion or queuing of vehicles, change in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, and unsafe conflict of motor vehicle and pedestrian traffic.

The Planning Board finds that the parking relief would not cause detriment to the neighborhood. The Davis Square neighborhood is a commercial area with high pedestrian traffic, excellent access to public transportation and municipal parking. The nature of the business will generate a high turnover rate of customers that will often arrive by foot, which makes the parking reduction acceptable.

Of those purposes set forth under §9.1 of the SZO, the availability and safe use of parking areas will not be negatively affected by a granted reduction in required spaces. Bicycle parking will be increased through conditions based on approval of this Special Permit.

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 project is located in a Central Business (CBD) zoning district. The CBD district seeks 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.

Allowing the proposed reduction in parking would be consistent with the goals of the CBD by promoting an increase in the amount of pedestrian traffic in the Davis Square area. The Board finds the proposed expansion of the café would be beneficial to the health of the square and to enhance the character of the area as a central business district. The project would also be beneficial to the neighbors of the property as this will increase dining options that are available in the area.

**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 project as proposed would increase the site's compatibility with its surroundings by eliminating a vacant store from the neighborhood. The Board recommends that the applicant follow through with plans to redesign and replace the awnings along the length of the new storefront.

### **III. RECOMMENDATION**

#### **Special Permit under §9.13**

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 reduction in 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	<p>Approval is for a reduction of the required parking spaces from four (4) to zero (0) under §9.13 to allow for the expansion of a restaurant and forty (40) new seats. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:</p> <table><tr><th>Date</th><th>Submission</th></tr><tr><td>May 12, 2008</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 3, 2008</td><td>Plans submitted to OSPCD (A-3, SP-1, A/FP-1, EX-1)</td></tr></table> <p>Any changes to the approved renderings or plans must receive ZBA approval.</p>	Date	Submission	May 12, 2008	Initial application submitted to the City Clerk’s Office	June 3, 2008	Plans submitted to OSPCD (A-3, SP-1, A/FP-1, EX-1)	Building Permit	Plng.	
Date	Submission									
May 12, 2008	Initial application submitted to the City Clerk’s Office									
June 3, 2008	Plans submitted to OSPCD (A-3, SP-1, A/FP-1, EX-1)									
2	<p>A visual strobe unit shall be installed in the handicapped unisex toilet room.</p> <p>A fire alarm pull station shall be installed at the existing door to the handicapped ramp that is accessible for use by people in wheelchairs, etc.</p>	CO	Fire							
3	The applicant will supply the Somerville Traffic and	CO	T&P							

	Parking Department with five (5) parking meters to the specifications defined by the Traffic and Parking Director			
4	Four (4) bicycle parking spaces shall be provided which can be met with two (2) "U" type bicycle racks.	CO	Plng.	
5	The Applicant must contact the 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 Building Permit Signoff	Plng. / ISD	

Sincerely,



Kevin Prior  
Chairman

Cc: Applicant: Robert Chen  
Owner: Dreyfus Realty  
Agent: E. Theodore Johnson



**222-224 HIGHLAND AVENUE**