



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** PB 2010-08  
**Date:** May 18, 2010  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 75 Union Square

**Applicant Name:** Independent Realty Trust  
**Applicant Address:** 75 Union Sq, Somerville MA  
**Property Owner Name:** same  
**Agent Name:** none  
**Alderman:** Thomas Taylor

Legal Notice: The Applicant/Owner, Independent Realty Trust, seek a special permit under SZO §6.1.22.5 to alter doors and windows on the façade.

Zoning District/Ward: CCD 55  
Zoning Approval Sought: Special Permit under §5.1 and 6.1.22.5  
Date of Application: April 27, 2010  
Dates of Public Hearing: Planning Board 5/20/10

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3260 sf parcel located in the heart of Union Square. There is a two story brick building on the property. The Independent Restaurant is located on the first floor and there is office space on the second floor. The Union Square municipal parking lot is located in front of the property and a thirty-foot private way, Sanborn Court, is located to the right of the structure. Each property owner along the private way owns up to the middle of the way. In 2000, the Zoning Board of Appeals granted a special permit to alter and replace the existing door and window units and make other changes to the dimensionally non-conforming building. This property was recently rezoned from the Central Business District to the Corridor Commercial District – 55.



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2. Proposal: The proposal is to convert the door on the right side of the building to a window that would be flush with the rest of the façade of the building, and convert the window on the Sanborn Court side of the building to an emergency exit door. The windows on the front façade would match the existing windows in the middle portion of the building. The main door to the restaurant is the door on the left side of the building and having two doors causes confusion. The change would add 26 sf to the interior and improve the interior configuration of the restaurant. A portion of the planter along Sanborn Court would be removed to allow for access to the emergency door. There would be two bollards at the emergency exit, which would not project further into the private way than the existing planter.

3. Nature of Application: Under SZO §6.1.22.5, alterations to structures in the CCD require Special Permit approval from the Planning Board.

The change in the square feet does not bring the floor area ratio over that which is allowed (3) or require additional parking. The parking requirement would be 0.065 which would round down to zero.

4. Surrounding Neighborhood: The property is located in the heart of Union Square and there are many restaurants and other businesses in the area.

5. Impacts of Proposal: The change to the façade would not have a significant impact. The building will remain as one use for the entire first floor so converting the door to windows would not impact the future use of the building. The windows will match the existing windows on the façade. The change

would avoid confusion as to which door is the main entrance. The only negative impact of the proposal is the loss of a small amount of landscaping along Sanborn Court.

6. Green Building Practices: None.

7. 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 §5.1):**

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."

The majority of the development standards not apply to this small change to the façade of the building; however, the following standard applies and is met.

*Pedestrian Oriented Requirements* - The main entrance to the restaurant will continue to have a presence on the street and removing the second entrance will not prohibit another use on the first floor in the future. New bi-fold windows will provide more pedestrian interaction between the building and the sidewalk.

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 conserving the value of land and buildings. The proposal is consistent with the purpose of the district, as the change would continue to provide an aesthetically pleasing structure that promotes pedestrian activity.

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 proposal is compatible with the built surrounding area. The change to the fenestration will not disrupt the bays or symmetry of the building. The full height, bi-folding windows will match the other windows on the front of the building and continue to provide views into the interior space to maintain an activated façade for pedestrians.

## **III. RECOMMENDATION**

### **Special Permit under §5.1**

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 to replace an entrance door with windows and replace a window with an exit door for emergencies only. 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>Apr 27, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Sept 4, 2009</td><td>Plans submitted to OSPCD (ID-1.3: egress plan)</td></tr><tr><td>May 12, 2010</td><td>Modified plans submitted to OSPCD (ID-3.1: exterior elevations, ID-1.2: floor plan)</td></tr></table>                         |                          |                    |       | Date (Stamp Date)  | Submission | Apr 27, 2010 | Initial application submitted to the City Clerk's Office | Sept 4, 2009 | Plans submitted to OSPCD (ID-1.3: egress plan) | May 12, 2010 | Modified plans submitted to OSPCD (ID-3.1: exterior elevations, ID-1.2: floor plan) |
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| May 12, 2010  | Modified plans submitted to OSPCD (ID-3.1: exterior elevations, ID-1.2: floor plan)   |                          |                    |       |  |            |              |  |              |  |              |   |
| Any changes to the approved plans that are not <i>de minimis</i> must receive ZBA approval. |   |                          |                    |       |  |            |              |  |              |  |              |   |
|   |   |                          |                    |       |  |            |              |  |              |  |              |   |
|   |   |                          |                    |       |  |            |              |  |              |  |              |   |
| 2   | The new windows on the front façade shall match the existing bi-fold windows on the front façade.   | CO                       | Plng.              |       |  |            |              |  |              |  |              |   |
| 3   | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.  | CO                       | FP                 |       |  |            |              |  |              |  |              |   |
| 4   | The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard. | CO                       | DPW                |       |  |            |              |  |              |  |              |   |
| 5   | The door on Sanborn Court shall remain an emergency exit only.  | Continual                | Plng./ISD          |       |  |            |              |  |              |  |              |   |
| 6   | The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services 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.              |       |  |            |              |  |              |  |              |   |

