



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-32

Date: May 15, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT*

Site: 247 Pearl St

Applicant Name: Merry, Inc.

Applicant Address: 134 Hampshire, Cambridge, MA 02139

Property Owner Name: 247 Pearl Realty, LLC

Property Owner Address: P.O. Box 281, Somerville, MA 02143

Agent Name: Richard G. Di Girolamo, Esq.

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Maryann Heuston

Legal Notice: Applicant, Merry, Inc., and Owner, 247 Pearl Realty, LLC., seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure to add and alter windows and doors for a restaurant.

Zoning District/Ward: BA. Ward 4.

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: April 8, 2013

Dates of Public Hearing: Zoning Board of Appeals May 18, 2013

*The ward number and subject property square footage has been updated since the May 9 report.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 3,287 square foot parcel on which is an approximately 13,200 square foot 4-story building. The ground floor which is 2,825 square feet, was previously a restaurant, the Paddock, and there are apartments on the upper floors. There is a paved lot next to the building that is under the same ownership; however, the owner explained that this lot does not



provide required parking spaces for the building. There is no onsite parking for the building. Delivery trucks for the previous restaurant did pull into the lot for loading.



2. Proposal: The proposal is to alter the first floor façade of the building to improve its appearance and function for a new restaurant. The poorly designed infill windows and walls on the ground floor will be removed and the Paddock awning has already been removed. New storefront systems will be installed with inswing windows. The new doors for the restaurant will be solid wood. Signage will be above the door on Pearl Street. There will be a wood panel to the right of the door along Pearl Street and a surface light mounted to it.

3. Nature of Application: The structure and site is currently nonconforming with regard to landscaping, floor area ratio, parking and rear yard setback. In accordance with the Somerville Zoning Ordinance (SZO) §4.4.1, a nonconforming commercial structure may only be modified through Special Permit approval. The use and parking are not changing and therefore they do not require zoning approvals.

4. Surrounding Neighborhood: The subject property is located in Gilman Square. There are several auto-oriented uses such as gasoline stations and a repair shop nearby. Other uses include the High School and City Hall and multi-family residential buildings.

5. Impacts of Proposal: The façade alterations will be a huge improvement to the building. The prior restaurant had an outdated awning spanning the length of it. This awning along with the small windows with shutters and brick infill wall made the restaurant appear dark and not compatible with the rest of the building that has kept its historic form. The proposal for large storefront systems will replace the inappropriate first floor infill. The large storefront windows which are typical in older building with ground floor commercial uses will be compatible in appearance with the rest of the brick building above. The transparency of the first floor will also improve the pedestrian experience along this block as people

will be able to see into the space and the light from the restaurant will light the sidewalk and create more activity along it.

6. Green Building Practices: None listed on the application form.

7. Comments:

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

Ward Alderman: Has been contacted but has not yet 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 structure. The façade work would be an improvement to the building. The prior restaurant had an outdated awning spanning the length of it. This awning along with the small windows with shutters and brick infill wall made the restaurant appear dark and not compatible with the rest of the building that has kept its historic form. The proposal for large storefront systems will replace the inappropriate first floor infill.

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 providing adequate light and air and conserving the value of land and buildings.

The proposal to improve the façade for a restaurant is consistent with the purpose of the district, which is, "[t]o establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic."

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 large windows which are typical in older buildings with ground floor commercial uses will be compatible in appearance with the rest of the brick building above. The transparency of the first floor will also improve the pedestrian experience along this block as people will be able to see into the space and the light from the restaurant will light the sidewalk and create more activity along it.

III. RECOMMENDATION

Special Permit under §4.4.1

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

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the alteration of the façade to add windows and doors. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>April 8, 2013</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>March 26, 2013</td><td>Plans submitted to OSPCD (Exterior Elevation-South & West)</td></tr><tr><td>May 1, 2013</td><td>Plans submitted to OSPCD (Existing photos, Existing floor plan, Proposed 1st and lower level floor plans)</td></tr></table>				Date (Stamp Date)	Submission	April 8, 2013	Initial application submitted to the City Clerk’s Office	March 26, 2013	Plans submitted to OSPCD (Exterior Elevation-South & West)	May 1, 2013	Plans submitted to OSPCD (Existing photos, Existing floor plan, Proposed 1 st and lower level floor plans)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
Construction Impacts												
2	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									

3	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
Design				
4	The commercial windows shall not be blocked by interior storage, non-artistic displays or greater than 30% internally mounted signage.	Perpetual	Plng.	
Public Safety				
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
6	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
7	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.	

