



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2012-104  
**Date:** January 06, 2013  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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<b>Site:</b>	120 Beacon Street
<b>Applicant Name:</b>	120 Beacon Street Limited
<b>Applicant Address:</b>	36 Crafts Street, Newton, MA 02458
<b>Property Owner Name:</b>	120 Beacon Street Limited
<b>Property Owner Address:</b>	36 Crafts Street, Newton, MA 02458
<b>Agent Name:</b>	Adam Dash & Associates
<b>Agent Address:</b>	48 Grove Street, Suite 304, Somerville MA 02144
<b>Alderman:</b>	Maryann Heuston
<u>Legal Notice:</u>	Applicant and Owner, 120 Beacon Street Limited, seeks a Special Permit (SZO §4.4.1) to make exterior changes to a nonconforming building.
<u>Zoning District/Ward:</u>	NB/ Ward 2
<u>Zoning Approval Sought:</u>	Special Permit §4.4.1
<u>Date of Application:</u>	December 11, 2012
<u>Dates of Public Hearing:</u>	Zoning Board of Appeals

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**I. PROJECT DESCRIPTION**

1. Subject Property:

The subject property is a 20,720 square foot parcel located at the intersection of Beacon Street and Washington Street, one block from the Cambridge border, part of a node of neighborhood serving businesses. The mixed use building at the property features two restaurants (Bergemot & Kebab Factory),



an ATM kiosk, 6 office units, and vacant ground floor retail space. The building is served by both underground and surface parking.

2. Proposal:

Proposed physical changes to the building are to internally subdivide the 5,060 sq. ft. ground floor retail space into two spaces, one with 3,805 square feet and the other with 1,255 square feet. Dividing the ground floor retail space into two would require the following exterior changes to the building: the addition of a door with side lights for the smaller space toward the rear of the parking lot façade; the addition of an accessibility ramp leading to the parking lot from the side of the building; the addition of a rear door; signage for both spaces; 1 for 1 replacement of glass in several windows with failed seals; and finally, installation of an additional gas meter and piping to the rear of the building.

The applicant proposes to establish a retail use in the front, 3,805 square foot space that will be created. The tenant will be Comcast, which will operate an Xfinity retail store. No tenant has been found for the 1,255 square foot space.

3. Nature of Application:

The structure is currently nonconforming with respect to several dimensional requirements of the NB zoning district, including minimum landscaped area, and maximum floor area ratio. Due to these existing nonconformities, the Applicant must obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) to enlarge, extend, renovate, or alter the nonconforming structure.

4. Surrounding Neighborhood:

The intersection of Beacon and Washington Streets is a node of neighborhood oriented businesses servicing the nearby mid-density residential neighborhood of houses, triple-deckers, and various multi-plex apartment buildings.

5. Impacts of Proposal:

The establishment of an active business in the currently vacant retail space is viewed as a net benefit for the neighborhood by Planning Staff. Furthermore, the subdivision of the building will increase the potential number of tenants the building is able to service and, once both spaces are filled, will further contribute toward the active neighborhood retail node that has developed at the corner of Beacon and Washington Streets.

6. Green Building Practices:

None

7. Comments:

<i>Fire Prevention:</i>	Has been contacted but has not yet provided comments.
<i>Ward Alderman:</i>	Alderman Maryann Heuston has expressed general support for the project.
<i>Historic Preservation:</i>	Has been contacted but has not yet provided comments.
<i>Traffic &amp; Parking:</i>	Has been contacted but has not yet provided comments.

*Lights and Lines:* John Power, the Chief Electrical Inspector, responded that the project may require electrical power upgrades prior to the final sign off for a building permit.

*Engineering:* 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 or 4.5 of the SZO, Staff find that the alterations proposed for the building would not be substantially more detrimental to the neighborhood than the existing structure.

In consideration of the proposed use for the building under §7.11 Table of Permitted Uses of the SZO for the NB district, the Comcast Xfinity retail store falls under part 9 Sales or Rental of Goods or Equipment as a "Store selling [] home appliances and equipment, including audio, computer, and video equipment". The proposed use is 3,805 square feet, falling under the 5,000 square foot limitation, and is therefore permitted by-right.

In consideration of the proposed use for the building under §9.5 Number of Parking Spaces of the SZO for the NB district, nine off-street parking spaces would be required for the Retail Sales use as classified under part 9 of the Table of Permitted Uses. The property has 16 spaces available in an underutilized surface lot adjacent to the building. The property also features a single underground story of parking shared by the other uses in the building.

In consideration of the proposed signage in coordination with the proposed use for the building under §12.4 Signs in Nonresidential Districts of the SZO, Staff finds that the proposal conforms to all of the requirements of subsections (a) through (h) of §12.4.

### **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; encouraging the most

appropriate use of land throughout the City; and preserving and increasing the amenities of the municipality.

The proposal is consistent with the purpose of the NB - Neighborhood Business district, which is, “to establish and preserve areas for small-scale retail stores, services, and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.

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 is compatible with the characteristics on the surrounding neighborhood.

### 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 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.

(Updated Recommendations for 01/23/2013 meeting)

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
	<p>Approval is to alter an nonconforming structure under SZO 4.4.1 to make exterior changes to the building. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>12-11-2012</td><td>Initial application submitted to the City Clerk's Office</td></tr></table> <p>Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	12-11-2012	Initial application submitted to the City Clerk's Office	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission							
12-11-2012	Initial application submitted to the City Clerk's Office							
	<p>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.</p>	Final sign off	Plng.					