



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-33

Date: May 9, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 158 Boston Avenue

Applicant Name: 158 Boston Avenue Realty Trust
Applicant Address: 3 Chandler Road, Medford, MA 02155
Property Owner Name: 158 Boston Avenue Realty Trust
Property Owner Address: 3 Chandler Road, Medford, MA 02155
Agent Name: Richard Di Girolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Courtney O'Keefe

Legal Notice: Applicant and Owner, 158 Boston Avenue Realty Trust, seeks a Special Permit under SZO §9.13.a for five spaces of parking relief due to additional seating at an existing restaurant establishment. NB zone. Ward 5.

Zoning District/Ward: NB Zone / Ward 5

Zoning Approval Sought: Special Permit under SZO §9.13.a

Date of Application: April 8, 2013

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, May 15, 2013**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4,428 square foot parcel of land comprised of a single-story commercial structure in Ball Square. This masonry building is located at the intersection of Boston and Rogers avenues, and Broadway, in a Neighborhood Business district near Medford. Business establishments at this location include Pescatore, a 1,320 square foot Italian restaurant, and Crowley's Liquor. The surrounding area along Broadway includes a mix of commercial and office uses while south of the subject building is predominantly residential.



There has been no prior zoning relief for the subject property.

2. Proposal: Applicant and Owner, 158 Boston Avenue Realty Trust, proposes to add twenty chairs of additional seating to the rear patio at an existing restaurant establishment. Consequently, this proposal then requires relief for five parking spaces.

The existing establishment, Pescatore Restaurant, currently has interior seating for up to 56 patrons, which includes eight bar seats, and no parking. The restaurant hours of operation are Tuesday through Saturday, 4-10 p.m. and Sunday, 4-9 p.m. The Applicant proposes to add a total of twenty chairs with tables to the adjacent patio located at the rear of the building. There are no interior or exterior alterations as part of this proposal.



158 Boston Avenue, Pescatore Restaurant

3. Nature of Application: The structure is currently nonconforming with respect to the parking requirement. Since there is no existing on-site parking, five spaces of parking relief are requested due to the addition of 20 patio seats.

The parking requirement for these additional 20 seats is the greater number between 0.75 per employee plus 1 parking space per 4 seats, and 1 parking space per 110 gross square feet. Since the patio area is 367 gross square feet, which requires 3 additional parking spaces, the parking calculation is higher when calculated by employees plus seats. The employee count will remain consistent at five people; therefore, the parking calculation requires five additional parking spaces for 20 additional patio seats.

In accordance with the Somerville Zoning Ordinance (SZO) §9.13.a, since the total number of parking spaces required is six (6) or fewer, the requirements for lots or sites that are nonconforming with respect to parking may be modified through Special Permit approval.

4. Surrounding Neighborhood: The subject property is located in a Neighborhood Business district in Ball Square. The surrounding area along Broadway includes a mix of commercial and office uses while the neighborhood south of the subject building is primarily residential.

5. Impacts of Proposal: The request for five spaces of parking relief due to additional seating on the patio will not be detrimental to the structure or the surrounding neighborhood.

The proposed parking relief will encourage patrons to walk, bike or take public transportation to the restaurant. The subject property is serviced by MBTA Bus Routes 80 and 89, which provide access to the MBTA Green Line at Lechmere Station, the Red Line in Davis Square, and the Orange Line in Sullivan Square.

Since the proposed patio seating will be used when weather permits, there are approximately six months a year when the weather will not permit patio seating.

6. Green Building Practices: There are no green building practices indicated on the application.

7. Comments:

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

Traffic & Parking: Has been contacted and has requested a Parking Assessment Memorandum.

In an email to Staff dated 5/24/2013, Terry Smith states, "The applicant for 158 Boston Ave is proposing to provide 20 new outdoor patio seats. 158 Boston Ave is located in the Ball Square area. Ball Square is a vibrant area with heavy vehicle and pedestrian traffic. Per the Somerville Zoning Ordinance (SZO) 5 off street parking spaces are required. The applicant is not providing any of the required off street parking spaces.

The applicant has hired a professional Transportation Firm, Design Consultants, Inc. (DCI) to prepare a Parking Assessment Memorandum. DCI has submitted a well prepared and professional Parking Assessment Memorandum.

The Parking Assessment Memorandum states that there are a significant number of available on-street parking spaces in the area surrounding 158 Boston Ave. The Memorandum concludes that the existing parking supply in this area will be able to absorb the additional five on street parking space. Based on the submitted Parking Assessment Memorandum, Traffic and Parking does not disagree with this assessment. It is noted that the expansion of 158 Boston Ave is 20 outdoor patio seats. It is likely that use/occupancy of these seats will not occur in the winter or adverse weather conditions.

However the lack of providing all the required off-street parking spaces under seasonal/fair weather conditions will result in a minor increase to vehicle queues and delays and a minor decrease in pedestrian safety in this area. Traffic mitigation to offset this lack of the required parking space and decrease in pedestrian safety and increase in vehicle congestion and queues can be provided by the applicant purchasing and delivering to Traffic and Parking a single spaced parking meter with the capacity to accept both coins and credit cards and is consistent with the City's current parking meter fleet.

Provided the above traffic mitigation is incorporated, Traffic and Parking has no objection to the application."

Ward Alderman: Has been contacted but has not yet submitted comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §9.13.a):

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."

SZO standards and guidelines for Neighborhood Business districts (§6.1.4) give preference to "locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible." The current nonconforming parking situation is a pre-existing condition for this restaurant establishment. Since the building encompasses a large majority of the parcel, on-site parking is not possible due to the proximity of nearby structures and siting of the building.

A Parking Assessment from Design Consultants, Inc. notes 118 parking spaces within 500 feet of the subject property are those that would likely be used by restaurant patrons. Data collected during weekday and weekend evenings demonstrate an average of 51 available weekday evening spaces and 36 available weekend evening spaces. Design Consultants note that the existing on-street parking supply would be more than sufficient to support the proposed 20-seat restaurant expansion.

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 "promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the Neighborhood Business district, §6.1.4, 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."

In considering a Special Permit under §9.13 of the SZO, the SPGA may grant such a Special Permit only when consistent with the purposes set forth in Section 9.1. The request for five spaces of parking relief, due to additional seating on the patio, does not propose to use land for the arrival, departure, or storage of motor vehicles, nor is the delivery or shipment of goods proposed to change as part of this proposal.

A Parking Assessment from Design Consultants, Inc. notes 118 parking spaces within 500 feet of the subject property are those that would likely be used by restaurant patrons. Data collected during weekday and weekend evenings demonstrate an average of 51 available weekday evening spaces and 36 available weekend evening spaces. Design Consultants note that the existing on-street parking supply would be more than sufficient to support the proposed 20-seat restaurant expansion. Based on the submitted Parking Assessment Memorandum, Traffic and Parking does not disagree with this assessment. However, the lack of providing all required off-street parking spaces under seasonal/fair weather conditions will

result in a minor increase to vehicle queues and delays and a minor decrease in pedestrian safety in this 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 request for five spaces of parking relief due to additional seating on the patio is compatible with the site and the neighborhood. The existing patio would allow outdoor seating during weather permitting months while the proposed parking relief will encourage patrons to walk, bike or take public transportation to the restaurant. The subject property is serviced by MBTA Bus Routes 80 and 89, which provide access to the MBTA Green Line at Lechmere Station, the Red Line in Davis Square, and the Orange Line in Sullivan Square. There are no interior or exterior alterations proposed as part of this project.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The proposed parking relief will encourage patrons to walk, bike or take public transportation to the restaurant. The subject property is serviced by MBTA Bus Routes 80 and 89, which provide access to the MBTA Green Line at Lechmere Station, the Red Line in Davis Square, and the Orange Line in Sullivan Square. Circulation patterns will not change as a result of this proposal.

Design Consultants note that the existing on-street parking supply would be more than sufficient to support the proposed 20-seat restaurant expansion. Based on the submitted Parking Assessment Memorandum, Traffic and Parking does not disagree with this assessment. However, the lack of providing all required off-street parking spaces under seasonal/fair weather conditions will result in a minor increase to vehicle queues and delays and a minor decrease in pedestrian safety in this area.

III. RECOMMENDATION**Special Permit under §9.13.a**

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								
	<p>Approval is for a Special Permit for five spaces of parking relief due to additional seating at an existing restaurant establishment. 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>(April 8, 2013)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 4, 2010 (May 28, 2013)</td><td>Plot plan submitted to OSPCD</td></tr><tr><td>January 8, 2013 (May 28, 2013)</td><td>Plans submitted to OSPCD (Existing & Proposed)</td></tr></table> <p>Any changes to the approved plan that is not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(April 8, 2013)	Initial application submitted to the City Clerk’s Office	June 4, 2010 (May 28, 2013)	Plot plan submitted to OSPCD	January 8, 2013 (May 28, 2013)	Plans submitted to OSPCD (Existing & Proposed)	BP/CO	ISD/Plng.	
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Traffic & Parking												
	Conditions may require regulation of the number, size, design, and location of access drives or other traffic features so as to minimize hazard or inconvenience to vehicular or pedestrian traffic on public streets;	CO	Traffic & Pkg									
Public Safety												
	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
Final Sign-Off												
	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/CO	Plng.									

158 Boston Avenue

