



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-10

Date: March 13, 2014

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 22A College Avenue

Applicant Name: American Baker's Inc.

Applicant Address: 3920 Mystic Valley Parkway Apt 311, Medford MA

Property Owner Name: Rosemary Nolan, Tara II Realty Trust

Property Owner Address: 99 Albion St, Somerville MA 02144

Agent Name: Ben and Alda Nolrenika

Agent Address: 27 West St, Malden MA

Alderman: Rebekah Gewirtz

Legal Notice: Applicant, American Baker's Inc., and Owner, Rosemary Nolan, Tara II Realty Trust, seek a Special Permit under SZO §7.11.10.2.1.a, to establish a fast order food establishment (bakery) and a Special Permit under SZO §9.13.a to modify parking space requirements for approx 4 parking spaces. Zone CBD. Ward 6.

Dates of Public Hearing: March 19, 2014

I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel is 4,272 square feet and contains a one-story building with five storefronts. The tenants in the building include a real estate office, sandwich shop, Laundromat, Chinese food restaurant, and there is one vacant storefront that was recently a retail store, Artifiaktori. There is no parking associated with the building.





22A College Ave: Vacant storefront for the proposed café.

2. Proposal: The proposal is to establish a café in the subject property. There is 600 square feet on the first floor and 600 square feet for working space and storage in the basement. There will be 18 seats and 2 employees. There will be signage in the signband on the building with 6 inch and 4 inch letters as shown in versions of the signage plan.

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

4. Comments:

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

Traffic & Parking: Notwithstanding the above, it should be noted that vehicles will be circulating through the Davis Sq. area to locate these available parking spaces. The lack of providing all the required off-street parking spaces will result in an increase of vehicle queues and delays and a minor decrease in pedestrian safety in this area. Traffic mitigation to offset this lack of required parking spaces and decrease in pedestrian safety and increase in vehicle congestion and queues via increased parking space turnover at parking meter locations can be provided by the applicant purchasing and delivering to Traffic and Parking 5 single spaced parking meters with the capacity to accept both coins and credit cards and are consistent with the current parking meter fleet in Somerville.

Wiring Inspection: 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 §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. A parking memo has not been submitted; however, Planning staff find that due to the proposed café use that typically capture people walking to the establishment and the location in the heart of Davis Square, a parking memo is not necessary.

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 use falls into §7.11.10.2.1.a for a fast order food establishment with no drive-up service, including franchises, subshops, pizza shops and the like, which requires a special permit in the Central Business District.

The use also requires a Special Permit under SZO §9.13.a to modify parking space requirements for 5 parking spaces. The parking regulations are based on whichever is greater: 0.75 per employee plus 1 per 4 seats, or 1 per 110 gross square feet. The requirement based on gross square feet is higher and results in a requirement of 11 spaces. Section 9.4 allows for a reduction because the property is nonconforming with respect to parking and no new square footage will be added. The result based on this reduction is 4.8 which rounds up to 5. Section 9.13 allows for modification of parking requirement for nonconforming structures and lots where the total number of parking spaces required by this Ordinance is six (6) or fewer.

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

There will be minimal impact on the neighborhood through the above criteria. The minor increase in traffic congestion and vehicle delay and slight decrease in pedestrian and bicycle safety that would be caused by not providing additional parking spaces onsite would be conditioned to be alleviated by the Applicant providing Traffic mitigation in the form of parking meters. Additional meters will increase parking space turnover at parking meter locations and the meters would accept both coins and credit cards.

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 encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district, which is, “[t]o 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.” A café use is compatible with the goals of creating a district that is attractive to and connected with pedestrian accessible uses.

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 proposal meets the intent of §9.1, the purpose of the Off-street Parking and Loading Article. Relief from providing five parking spaces along with the Applicant providing parking meters for the City to install in the area will not create a situation that would be a nuisance or hazard to pedestrians and adjacent properties, nor would it decrease the traffic carrying capacity of the adjacent streets or significantly compromise the on-street parking available in Davis Square.

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 subject property is located in the heart of the Davis Square Central Business District. There are a mix of commercial uses and some residences. A café would add to the pedestrian oriented mix of uses in the Square. Most of the lots in Davis Square do not have parking onsite which allows the build form in the Square to be pleasant for pedestrians. Patrons utilize the on-street parking spaces, the five municipal parking lots in the Square, public transportation or come by foot from the nearby business or residences to access the site.

5. 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 proposal is not anticipated to negatively impact these items or the parking situation in Davis Square. There are many options for traveling to the site including walking, biking, using public transportation or driving and parking at an on-street metered space or a municipal parking lot. Also, the mixed use environment of the Square allows for reduced trips because someone is able to walk for one establishment to another, eliminating the need for an additional vehicular trip. Someone eating at the cafe may patronize another nearby business, reducing the number of combined vehicular trips to the area.

6. Fast food establishments: In special permit applications for fast-order, take-out or automobile oriented food service establishments, there shall be establishment of a need for such a facility in the neighborhood or in the City, and impacts on traffic circulation, parking and visual, physical, or historical characteristics of the particular location shall not be detrimental.

The Applicant finds that there is demand for a café in this portion of Davis Square. A recommended condition of approval is that a different tenant under the same use would require a special permit to be established. As mentioned above, the impacts on traffic circulation, parking and visual character of the location will not be

detrimental. The building will not change on the exterior except for signage. The sign will be located in the building's signage band and will not be overly loud or bright.

III. RECOMMENDATION**Special Permit under §7.11.10.2.1.a & 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						
1	Approval is for the establishment of a café under §7.11.10.2.1.a and modification of parking requirements for 5 parking spaces. 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>Feb 18, 2014</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(March 14, 2014)</td><td>Modified plans submitted to OSPCD (location map/images, conceptual floor plan/elevation)</td></tr></table>				Date (Stamp Date)	Submission	Feb 18, 2014	Initial application submitted to the City Clerk’s Office	(March 14, 2014)	Modified plans submitted to OSPCD (location map/images, conceptual floor plan/elevation)
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	Feb 18, 2014				Initial application submitted to the City Clerk’s Office					
(March 14, 2014)	Modified plans submitted to OSPCD (location map/images, conceptual floor plan/elevation)									
Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
3	The Applicant shall purchase and deliver to Traffic and Parking 5 single spaced parking meters with the capacity to accept both coins and credit cards and are consistent with the current parking meter fleet in Somerville.	CO	T&P							
4	Signage will be limited in size and location to that shown in the elevation diagrams. The sign shall not be internally illuminated.	CO	Plng							
5	Approval is for the fast food use for the Applicant, American Bakers Inc. A future tenant of this space for the fast order food use would have to come back to the ZBA for special permit approval in order to operate in this location.	Perpetual	ISD							
Final Sign-Off										
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.							

