



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2013-06

Date: June 25, 2013

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 45-49 Day St

Applicant Name: Flatbread Somerville, Inc.

Applicant Address: 1000 Market Street, Building 2, 3rd fl, Portsmouth, NH 03801

Property Owner Name: The Marina Trust, Catherine L. Serrano, Trustee

Property Owner Address: 36 Richardson Road, Belmont, MA 02178

Agent Name: Richard G. Di Girolamo, Esq.

Agent Address: 424 Broadway, Somerville, MA 02145

Alderman: Rebekah Gewirtz

Legal Notice (re-advertised): Applicant, Flatbread Somerville, Inc., and Owner, The Marina Trust, Catherine L. Serrano, Trustee, seek a Special Permit with Site Plan Review to expand an existing restaurant and add outdoor seating (SZO §7.11.10.1.2.c) and expand a bowling alley (§7.11.6.3.b), a Special Permit with Design Review* to establish a bar, a Special Permit to alter a nonconforming structure to add windows and doors and a Variance from providing approx 30 parking spaces. Six parking spaces will be provided.

Zoning District/Ward: CBD / Ward 6

Zoning Approval Sought: Special Permit under SZO §7.11.10.1.2.a and Variance under §9.5

Date of Application: February 19, 2013 – complete May 17, 2013

Dates of Public Hearing: Zoning Board of Appeals June 5, 2013

*The bar is less than 2,500 sf and therefore only requires a special permit.

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 9,993 square foot lot which sits a two-story masonry structure containing 6,083 net square feet. The most recent use of the space was an automobile service garage with approximately 7 lifts and 10 employees. Forty-seven percent of the lot is a vacant paved area.



The building at 49 Day Street abuts the building at 45 Day Street. In August of 2009 the Zoning Board of Appeals approved a 3,675 square foot restaurant (including the dining and kitchen) and 750 square foot bar in the space that is occupied by Bowladrome Inc. operated by Sacco's Bowl Haven that features a 4,700 square foot, 10 lane bowling alley. They also approved a special permit under §9.13.a in order to not provide six required parking spaces.

2. Proposal: The proposal is to expand the restaurant and bar, Flatbread, and bowling alley into the space at 49 Day Street. There would be an internal connection between 45 and 49 Day Street. The bowling alley would be 3,380 square feet with up to 7 lanes. The total square footage of the bowling alley over both properties will be 8,080 square feet. The restaurant will be 540 square feet for a total square footage of 4,215. The bar will be 140 square feet for a total of 890 square feet. There will be 135 seat total, 76 outside and 59 inside.

The 786 square foot mezzanine level would be used as storage.

Outside would be a 1,475 square foot area for outdoor seating with 76 seats on permeable pavers and a tree in the middle of the patio that would be relocated from its current location near the street. The patio would also include a site-built masonry fireplace that uses wood as primary fuel.

There would be six parking spaces located behind the patio.

The garage door along the street would be replaced with a glass overhead door and there would be the same door and a man door along the right side of the building next to the patio.

The curb cut along the sidewalk in front of the garage door and future patio area would be filled in to add an additional parking space on the street. A new curb would be at the right-most side of the lot.

A planter box would run the length of the building and patio except for the door entrance. The proposal is for 5 bike racks to be installed along the planter boxes on private property.



45 & 49 Day Street existing façade and parking area for prior automotive use at 49 Day Street.



There will be no signage on the building. The existing entrance at 45 Day Street be the primary entrance for the restaurant and bowling alley.

3. Nature of Application: A Special Permit with Site Plan Review is required for a restaurant with outdoor seating between 2,500 and 5,000 gross floor area under SZO §7.11.10.1.2.c. The restaurant including the patio area would be 5,690 gross square feet. A bowling alley (§7.11.6.3.b) is allowed by-right in this district if it is less than 10,000 square feet and this bowling alley would be approximately 8,080 square feet. A bar requires a special permit under 2,500 square feet per §7.11.10.6.a.

Alteration of the nonconforming structure to add doors on the right side of the building would require a Special Permit under §4.4.1. The rear yard setback is an existing nonconformity and any alteration to a commercial nonconforming structure requires a special permit.

A Variance is required for parking. The prior motor vehicle service station was conforming in terms of parking. The use required 7.2 parking spaces based on having 7 bays and 1 business vehicle and taking a 20% reduction for the proximity to mass transit. There were at least 7 spaces in the parking lot. SZO §9.4 for a reduction in parking requirements does not apply to this case because the prior use was conforming.

The bowling alley requires 7 parking spaces – one for each alley and 1 per employee of which there are none because there will not be new employees for the expansion. The restaurant and bar requirement is based on square footage or number of seats and employees, whichever is greater. In this case the parking requirement is based on 5 employees and 135 seats (inside and outside). The restaurant requirement is 37.5. The total parking requirement for both uses is 45 and with the 20% reduction allowed for proximity to mass transit, the requirement is 36. Six parking spaces will be provided onsite so the variance is for 30 parking spaces.

4. Surrounding Neighborhood: The property is located within a Central Business (CBD) district within 1000 feet of the Davis Square T station. The neighborhood features predominantly ground floor commercial uses. Private off street parking in the area is limited, but there are a few municipal lots nearby and the Day Street lot is directly across the street. There is access to public transportation with the Davis Square Red Line station and several bus routes that pass through the square.

5. Impacts of Proposal: The use of the space as a restaurant with outdoor seating and a bowling alley are beneficial to the neighborhood. There are several restaurants in Davis Square; however, there are limited options for outdoor seating, which will be provided as a part of this application. The bowling alley provides an activity to the Square, which is desired based on the success of the business at 45 Day Street.

The exterior of the building will not change except for the addition of glass overhead doors that will improve the appearance of the building. The site will have landscaping along the building and an attractive patio which will be a huge improvement over the current situation.

6. Green Building Practices: The application form states that construction will meet or exceed the stretch energy code. The staff report for when Flatbread first established at 45 Day Street included the following:

"The owners of the proposed restaurant are committed to 'buy local' following their well-established practice of long-term relationships with local growers and suppliers. Every reasonable effort is made to

reduce the restaurant's waste stream with significant recycling. Further, the entire project represents an adaptive reuse of a local cultural resource into a more sustainable economic basis."

7. Comments:

Fire Prevention: Fire Prevention has reviewed the proposal for the outdoor oven and is not opposed to it. Comments regarding interior space are forthcoming.

Traffic & Parking: The applicant is proposing an expansion of the existing building (Flatbread) at 45 Day St. 45 Day St is located in close proximity to Davis Square. Davis Square is a vibrant Central Business District area with heavy vehicle and pedestrian traffic.

The proposed expansion at Flatbread will be within the existing building and will consist of seven additional bowling lanes and approximately 135 new indoor and outdoor restaurant and bar seats. Per the Somerville Zoning Ordinance (SZO) 36 off-street parking spaces are required. The applicant/developer will only provide 6 off street parking spaces. Obviously 30 off street parking spaces are not being provided

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 is available on-street parking spaces in the area surrounding 45 Day St. This Memorandum concludes that the existing parking supply in this area will be able to absorb the 30 additional on street parking spaces. Based on the submitted Parking Assessment Memorandum, Traffic and Parking does not disagree with this assessment.

However 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 can be provided by the applicant purchasing and delivering to Traffic and Parking 30 single spaced parking meters or equal with the capacity to accept both coins and credit cards and are consistent with current parking meter fleet.

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

Ward Alderman: Alderman Gewirtz stated that there was a lot of support for the plan at the neighborhood meeting. She thinks it will be a good thing for Davis and for Flatbread. They have been a great participant in the square.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & §7.11.10.6.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."

A bar within the restaurant and bowling alley has been a successful mix of uses at 45 Day Street and will likely also be successful at 49 Day Street.

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 addition of a glass overhead door and access door between the proposed patio area and the internal space will allow the patio space to function and will allow pedestrians visual access into the vibrant restaurant. No other changes to the building are proposed. The building will retain its auto shop form but the garage door along the front façade will be replaced with an attractive door and the site will be greatly improved.

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 purpose of the Central Business District is to preserve and enhance 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. This proposal for a bar, restaurant, bowling alley and alterations to the structure to accommodate these uses contributes to the strong pedestrian character of Davis Square and active street level uses.

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."

A bar with a restaurant with outdoor seating and bowling alley is compatible with the desired uses in Davis Square. The change to the garage door and addition of doors onto the patio will be an improvement to the structure because the existing door is unattractive and pedestrians will have a view into the activity in the building. The original use of the building for auto-repair will still be evident creating a unique environment for the restaurant.

III. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §7.11.10.1.2.b):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.
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 with site plan review.”

A restaurant with outdoor seating will be a benefit to the neighborhood. The restaurant at 45 Day Street is a desired business and allowing for this use with outdoor seating will enhance the function and appearance of the building and lot.

Per §6.1.5, all developments within the CBD district that require a special permit with site plan review should comply with the following guidelines to the highest degree practicable.

1. Across the primary street edge, the building should complete the streetwall.

The building is not being altered but it does contribute towards the streetwall for half of the lot. It is located 4 feet back from the front lot line and makes up half of the width of the lot. The remainder of the lot besides the driveway will have a brick wall and planter to frame the sidewalk space.

2. At the street level, provide continuous storefronts or pedestrian arcade which shall house either retail occupancies, or service occupancies suitably designed for present or future retail use.

The glass overhead doors on the front and right side façades opens the building up to the pedestrian oriented restaurant and bowling alley that achieves this guideline.

3. Massing of the building should include articulation which will blend the building in with the surrounding district. At the fourth floor, a minimum five-foot deep setback is recommended.

The building is one-story and the massing will not change as a result of this application.

4. Locate on-site, off-street parking either at the rear of the lot behind the building or below street level; parking should not abut the street edge of the parcel.

The six parking spaces will not abut the street edge. They will be located behind the patio area.

5. Provide access to on-site, off-street parking from either a side street or alley. Where this is not possible, provide vehicular access through an opening in the street level facade of the building of a maximum twenty-five (25) feet in width.

The building is not changing as a result of this proposal. The current driveway width will be reduced to 18 feet and be located at the edge of the property.

3. Purpose of District: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".

The purpose of the Central Business District is to preserve and enhance 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. This proposal for a bar, restaurant, bowling alley and alterations to the structure to accommodate these uses contributes to the strong pedestrian character of Davis Square and active street level uses.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".

A restaurant with outdoor seating is compatible with the desired uses in Davis Square. The patio will replace a paved unattractive parking area and will activate the site and sidewalk.

Projects requiring a Special Permit with Site Plan Review should conform to the following design guidelines for business zones.

1. Maintain a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity; however, yards and setbacks as required by Article 8 shall be maintained.

The building is not being altered but it does contribute towards the streetwall for half of the lot. It is located 4 feet back from the front lot line and makes up half of the width of the lot. The remainder of the lot besides the driveway will have a brick wall and planter to frame the sidewalk space.

2. Differentiate building entrances from the rest of the primary street elevation, preferably by recessing the entry from the plane of the streetwall or by some other articulation of the elevation at the entrance.

The building entrance is flush with the rest of the front façade. It is marked by a soldier course of brick above the door and a sidelight.

3. Make use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site, especially in new construction or substantial redevelopment.

The building is not changing as a result of this application. The façade is typical of an auto repair shop and does not include typical rhythms; however, the façade will improve with the installation of a glass garage door.

4. Clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment, etc.

The building is not changing as a result of this application. The façade is typical of an auto repair shop and does not include a lot of articulation; however, the façade will improve with the installation of a glass garage door.

5. Provide roof types and slopes similar to those of existing buildings in the area.

The building has a flat roof which is similar to other buildings in the area.

6. Use materials and colors consistent with those dominant in the area or, in the case of a rehabilitation or addition, consistent with the architectural style and period of the existing building. Use of brick masonry is encouraged, but not considered mandatory.

The building is made of red and beige concrete blocks, which is typical for an auto repair shop.

7. When parking lots are provided between buildings, abutting the primary street and breaking the streetwall, provide a strong design element to continue the streetwall definition across the site, such as a low brick wall, iron works or railing, trees, etc.

A low brick wall and 4 foot planter behind it will continue the streetwall definition across the site except where the 18 foot driveway will be located.

8. Locate transformers, heating and cooling systems, antennae, and the like, so they are not visible from the street; this may be accomplished, for example, by placing them behind the building, within enclosures, behind screening, etc.

There will be a recycling storage area at the back of the site, behind a parking space. The remaining utility equipment will have to be located on the roof in a location that is not visible from the street or inside of the building.

9. Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.

See Compliance with Standards Section above.

5. Functional Design: The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”

The design of the parking lot allows for an attractive, desired outdoor patio with six parking spaces and adequate maneuvering space.

6. Impact on Public Systems: The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”

The existing site is entirely paved and the proposed incorporates 1,475 square feet of permeable pavers and a tree. Both the auto-repair and restaurant with outdoor seating will have impacts of the public systems; however, the impacts of restaurant over an auto-repair shop are more compatible with the urban mixed use district of Davis Square.

7. 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.”

The impacts of the proposed restaurant will be similar to that of the existing restaurant at 45 Day Street. The proposed restaurant use will be less impactful to the environment as the oil and other substances necessary for auto-repair and the exhaust from vehicles will be removed from the site. The runoff from the site will be improved with the removal of asphalt to install pervious pavers for the patio.

8. Consistency with Purposes: “Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”

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.

9. Preservation of Landform and Open Space: The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”

The landscaping onsite will be in a planter along the front of the building and patio where it will be most visible from the right of way. The patio as a usable open space will also be visible from the right of way. There are no natural landforms on the site to preserve.

10. Relation of Buildings to Environment: The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”

The location and massing of the building will not change as a result of this proposal.

11. Stormwater Drainage: The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

The runoff from the site will be improved with the removal of asphalt to install pervious pavers for the patio.

12. Historic or Architectural Significance: The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”

The historic use of the building will continue to be evident even with the reuse and alterations to the structure.

13. Enhancement of Appearance: The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”

The form of the structure will not change. The landscaping an patio proposed will improve the natural character and appearance of the City.

14. Lighting: With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”

All lighting shall be directed downward to light the parking areas and site without spilling onto adjacent properties and the night sky. The Planning Staff recommends that the project be conditioned to ensure that this issue is addressed as well as the design guideline related to lighting above.

15. Emergency Access: The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”

The building will be accessible from the public street and the 18 foot driveway and parking area.

16. Location of Access: The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”

The curb cut will be shifted slightly but will not greatly change the access to the site. The curb cut into the garage door on the front of the façade will be closed which will improve pedestrian safety and add an on-street parking space in front of the building.

17. Utility Service: The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”

All utilities are required to be located underground.

18. Prevention of Adverse Impacts: The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development;”

The runoff from the site will be improved with the removal of asphalt to install pervious pavers for the patio.

19. Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”

No new signage is proposed for the building. Patrons will be entering from the existing entrance at 45 Day Street.

20. Screening of Service Facilities: The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”

The only service facility that will be onsite is the recycling dumpster. It will be located in the spot where it will be mostly screened by a car. The dumpster shall be conditioned to screened.

21. Screening of Parking:

The six parking spaces will be screened by the patio .

IV. FINDINGS FOR VARIANCE (SZO §5.5.3 & 9.5):

In order to grant a variance for parking (§9.5) and loading (§9.7) requirements the SPGA must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”

The Applicant stated: The lot size would not permit additional parking as there is only adequate space for six (6) parking spaces. The addition of a landscaped patio will enhance this project and benefit not only patrons of establishment but the neighborhood as whole. The current building was used as an automotive repair shop and the transformation into a family oriented restaurant and function facility will far make better use of this lot. Also, the curb cut will be eliminated which shall provide at least one (1) additional on street parking space.

Staff find that the existing lot and structure are unique in that the building was built as an auto repair shop and it can be reused with a desired use in the area. An outdoor patio will allow the site to meet the design guidelines that require parking to be setback from the sidewalk and the streetwall to continue across the site. Installation of this desired patio leaves sufficient parking spaces for 6 cars. The site is directly abutted on two sides by buildings and there is no ability to purchase land from the abutting parking lot. There is limited ability to expand the property to add parking or loading. These unique circumstances means that any reuse of the building, or any new building on the lot, would in all probability be subject to a parking variance under the current zoning.

2. “The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”

The Applicant stated: A parking variance would be the minimum relief necessary for this project and to develop this site. This project is in the heart of Davis Square, the Square is a walking community. There is a close proximity to the bike path and the MBTA as well. This would offset the need for additional parking spaces with the various methods of transportation available in Davis Square.

Staff find that the variance being sought, though large in number (30 spaces), would be a reasonable relief to the owner and would allow for a reasonable use of the land. The restaurant and bowling alley are reasonable uses for a Central Business District and for the reuse of this building. Most reuses of the building at this site would require a variance for parking and those that would not would likely be undesirable uses for this location in the heart of Square because they would not be patron or job generating uses. A new building that attempted to comply with the on-site parking requirements of the Ordinance would be of such a small size that it would be financially infeasible, while the addition of a smaller building with surface parking would be to the visual detriment of the streetscape. Furthermore, the site is in close proximity to the Davis Square MBTA subway stop, numerous bus routes, as well as the numerous nearby municipal parking facilities and on-street metered parking. These alternative means of transportation and the parking mitigation efforts should help offset any parking pressures that would normally be associated by approving such a large parking variance.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

The Applicant stated: The requested variance would be in harmony with the Somerville Zoning Ordinance and the surrounding neighborhood, as the proposal does allow for six (6) off street parking spaces along with exotic landscaping and a patio for patrons to enjoy. If the variance is granted it is highly unlikely that the residents will lose available parking as at least one on street space will be created. Further, the excellent access to public transportation that Somerville provides, particularly a

neighborhood so close to a rapid transit station, and bus service, as is the case with this proposal. Also, as discussed the bike path is utilized on regular basis by visitors to Davis Square. Lastly, and most importantly Davis Square is most accessed on foot by patrons, visitors and residents.

As demonstrated in the special permit findings above, the project is consistent with the purpose of the Ordinance and the zoning district in which it is located. The bowling alley and restaurant uses would contribute to the vibrancy of the Square and fill a demand for these activities that cannot be met by the facility at 45 Day Street. The Traffic and Parking and Planning Staff are in agreement that the Applicant's parking memo demonstrates that the proposal would not be detrimental to the neighborhood. As demonstrated there is parking availability in metered and unmetered/unregulated parking spaces spread amongst the study area and in municipal parking lots. There is also public transportation including the MBTA Red Line and several bus lines and the community path that reduce the parking demand this type of establishment. Turnover of parking spaces is important to the vibrancy of the Square. The condition regarding providing electronic parking meters will help to facilitate turnover.

V. RECOMMENDATION

Special Permit under §4.4.1 & §7.11.10.6.a

Special Permit with Site Plan Review under §7.11.10.1.2.b

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 and SPECIAL PERMIT WITH SITE PLAN REVIEW**.

Variance under §5.5.3 & 9.5

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 **VARIANCE**.

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 restaurant with outdoor seating, a bar, alteration of structure to add a window and door and for a variance to only provide 6 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 19, 2013 (Complete May 14, 2013)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Jun 19, 2013</td><td>Plans submitted to OSPCD (Z1.0 Zoning Analysis, A1.1 Floor Plan/Site Plan, A2.1 Elevations and Section)</td></tr></table>				Date (Stamp Date)	Submission	Feb 19, 2013 (Complete May 14, 2013)	Initial application submitted to the City Clerk's Office	Jun 19, 2013	Plans submitted to OSPCD (Z1.0 Zoning Analysis, A1.1 Floor Plan/Site Plan, A2.1 Elevations and Section)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
2	Any proposed new signage shall be approved by Planning Staff.	CO	Plng							
3	At least three (3) bicycle parking spaces shall be provided either on site as shown in the site plan or the applicant shall purchase and deliver 3 bike racks to be installed on the sidewalks or meters.	CO	Plng.							
4	Applicant shall purchase and deliver to Traffic and Parking 30 single spaced parking meters or equal with the capacity to accept both coins and credit cards and are consistent with current parking meter fleet	CO	Plng.							
5	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD							
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD							
8	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							

9	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	
10	Exterior lighting must project downward and to interfere with neighboring property.	Perpetual	ISD	
11	The dumpster shall be screened with fencing or landscaping.	Perpetual	ISD	
12	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.	

