



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-154

Date: January 12, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 278 Highland Avenue

Applicant Name: Katie Rooney, 3 Little Figs

Applicant Address: 278B Highland Avenue, Somerville, MA 02143

Owner Name: Joseph Bingel, Trustee of 278 Highland Avenue Realty Trust

Owner Address: 20 Dennett Road, Winchester, MA 01890

Agent Name: Al Weisz, architect

Agent Address: 93 Hudson Street, Somerville, MA 02143

Alderman: Mark Niedergang

Legal Notice: Applicant, Katie Rooney, 3 Little Figs, and Owner, Joseph Bingel, Trustee of 278 Highland Avenue Realty Trust, seek a Special Permit with Design Review under SZO §7.11.10.1.1.a to change the space from an office to expand the adjacent café. RC zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – January 18, 2017



I. PROJECT DESCRIPTION

1. Subject Property: The locus consists of a parcel of approximately 3,637 square feet on which a three-story mixed use structure is located. The structure contains two commercial units on the ground floor that are occupied by a café and a tax office. The two upper floors contain four dwelling units, two on each floor. The locus has two parking spaces to the west of the structure.

2. Proposal: The proposal is to expand the existing café into the space used by the tax office. The space will be used as an expansion of the prep kitchen, storage, and an office in the basement.
3. Green Building Practices: The Applicant proposed to use low energy appliances where possible.
4. Comments:

Ward Alderman: Alderman Niedergang has been made aware of the proposal and has not yet commented.

II. FINDINGS FOR SPECIAL PERMIT WITH DESIGN REVIEW (SZO §7.11.10.1.1.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."*

Pursuant to SZO §7.11.10.1.1.a a restaurant other than fast order food of less than 2,500 square feet of gross floor area, of which the existing café is categorized, in the RC zoning district requires a Special Permit with Design Review.

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 promote 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 protect health; to secure safety from fire, panic and other dangers; to prevent the overcrowding of land; to conserve the value of land and buildings; 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 RC district, which is, "to establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district." The locus contains a mixed-use structure and the expansion of the existing café is compatible with the structure and other nearby uses. Also, the expansion of the café would be convenient to the residents of the district.

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."*

Surrounding Neighborhood: The surrounding neighborhood is comprised of numerous three-story dwellings with a variety of uses that include residential, mixed use, and commercial. Staff finds that the proposal to expand the café will fit in with the surrounding neighborhood.

Impacts of Proposal (Design and Compatibility):

Special Permits with Design Review applications in Residence Districts must meet the design guidelines under SZO §5.1.5.B. The design guidelines for residential districts are as follows:

1. *Buildings should be generally of the same size and proportions as those existing in the neighborhood. This shall apply in cases of multi-family development as well as one-, two-, and three-family units. For example, if relatively small two- and three-family structures are common in a neighborhood where multi-family development is proposed, the multi-family development should be physically broken into components that, from a design perspective, are housed in buildings of similar width, depth, and height as those typically found in the neighborhood.*

This particular section of Highland Avenue includes many three-story structures and is proportionate with other structure in the neighborhood.

2. *Use of traditional and natural materials is strongly encouraged (e.g. wood clapboard, wood shingles, brick).*

The existing ground floor is stucco and the upper floors are clad with wood shingles.

3. *Additions to existing structures should be consistent with the architecture of the existing structure in terms of window dimensions, roof lines etc.*

Not applicable as there will be no alterations or additions made to the existing structure.

4. *Although additions should not clash with or be incompatible to the existing structure, it is acceptable and even desirable for the new construction to be distinguishable from the existing building, perhaps by maintenance of design elements of the original building that would otherwise be lost (e.g. false rakes, fasciae, and the like).*

Not applicable as there will be no alterations or additions made to the existing structure.

5. *Where practical, new or infill building construction should share the same orientation to the street as is common in the neighborhood. When not contrary to any other zoning law, front and side yards should be of similar dimensions as those typical in the area.*

The expansion of the café will share the same orientation to the street as the previous office space and the existing part of the café. There will be no alterations to any of the existing setback dimensions.

6. *Driveways should be kept to minimal width (perhaps a maximum of twelve (12) feet), and be designed so that no vehicle parked on the drive may straddle the public sidewalk in any way. Low barriers or plantings may be required to separate the parking area from the pedestrian space.*

The existing driveway is configured as a double driveway where there are two sets of tandem spaces. With the condition that no cars overhang into the sidewalk Staff finds that the existing

parking configuration will not impact the pedestrian space.

7. *Transformers, heating and cooling systems, antennas, and the like, should be located so they are not visible from the street or should be screened.*

Transformers, heating and cooling systems, antennas, and the like are not visible from the street.

8. *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.*

The proposal is consistent with the purpose of the RC district and the locus is not located in an overlay district.

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.*

Impacts of Proposal (Environmental): There will be no adverse environmental impacts as a result of the proposal.

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.*

Impacts of Proposal (Circulation): The proposed expansion of the café does not require additional off-street parking spaces nor is it expected to result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There will be no adverse impacts on the stock of existing affordable housing.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The expansion of the café will be preserve the character of the neighborhood and allow for the growth of a locally owned business.

III. RECOMMENDATION**Special Permit with Design Review under §5.1 and §7.11.10.1.1.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 expansion of a cafe. 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>December 11, 2016</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>December 1, 2016</td><td>Plans submitted to OSPCD (X1.0, X1.1, A1.0, A1.1)</td></tr></table>				Date (Stamp Date)	Submission	December 11, 2016	Initial application submitted to the City Clerk’s Office	December 1, 2016	Plans submitted to OSPCD (X1.0, X1.1, A1.0, A1.1)
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Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.										
2	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.							
3	Signage shall be limited to the existing awnings. Any change in signage shall be reviewed by Planning Staff conformance with the SZO.	Perpetual	Plng.							
4	The Applicant and/or Owner shall ensure that vehicles parked on the locus do not overhang onto the public sidewalk.	Perpetual	ISD/Plng.							
Final Sign-Off										
5	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.							

