



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

**PLANNING DIVISION STAFF**

GEORGE PROAKIS, *DIRECTOR OF PLANNING*  
LORI MASSA, *SENIOR PLANNER*  
AMIE HAYES, *PLANNER*  
MELISSA WOODS, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

**Case #:** ZBA 2014-75

**Date:** September 25, 2014

**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site:** 364-366 Medford Street

**Applicant Name:** Sadhan Mazumdar

**Applicant Address:** 123 Central Street Somerville, MA 02145

**Property Owner Name:** Chen Chong

**Property Owner Address:** 676 Worcester Street Suite A Wellesley, MA 02482

**Alderman:** Tony Lafuente

Legal Notice: Applicant, Sadhan Mazumdar, and Owner, Chen Chong, seek a Special Permit under SZO §9.4. for parking relief. Ward 4. BA zone.

Dates of Public Hearing: Zoning Board of Appeals – October 1, 2014

---

**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is a 3,050 square foot lot with a 1-story commercial building with three storefronts. Royal Bengal established a fast food use by-right in the winter of 2013/2014.
2. Proposal: The proposal is to reconfigure the fast food use into a restaurant with seating for 8 people. The establishment of any seating requires parking relief.
3. Green Building Practices: None listed on the application.
4. Comments:

*Fire Prevention:* Has been contacted but has no comments at this time.



**Traffic & Parking:** The applicant is proposing modifications to an existing neighborhood restaurant at 346 - 366 Medford St. Per the Somerville Zoning Ordinance (SZO) based on these modification/expansions three off street parking spaces are required. The applicant is not providing any off street parking spaces.

The applicant has hired a professional Transportation Consultant, Design Consultants Inc. to prepare a Parking Study. This Consulting Firm has submitted a well prepared and professional Parking Study.

Based on empirical data of available and occupied parking spaces during three distinct time periods on two days, the Parking Study states that there is available two hour on-street parking spaces in the vicinity of 346-366 Medford St. The Parking Study was conducted within a reasonable walking distance of the proposed project. The area which was surveyed for the availability of the on street parking spaces was a reasonable area to conduct a survey.

This Parking Study concludes that there is available on street parking spaces in the vicinity of 346-366 Medford St for the three parking spaces not being provided. Based on the submitted Parking Memorandum, Traffic and Parking does not disagree with this assessment.

Traffic and Parking has no objections to this application.

*Ward Alderman:* Alderman Lafuente has been contacted and has no objections to the application.

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §9.4 & 9.13):**

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."***

Per SZO §9.13 a modification of parking requirement for nonconforming structures and lots can be granted by Special Permit when the relief is equal to or less than 6 spaces. Per SZO §9.4, when there is a change in use with no change in floor area a reduction can be applied. The formula allows for the following:

$$\text{New Use} - \text{Old Use} / 2.$$

The proposed use requires 1 space per every 110 gsf or 8 spaces. The previous use, take-out food service, required 2 spaces. Using the formula above:

$$(8-2)/2 = 3 \text{ spaces of relief are needed.}$$

In considering a special permit under §9.4 & 9.13 of the SZO, Staff find that the use proposed would not be substantially more detrimental to the neighborhood than the existing use.

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.

The submitted parking memo justifies that there are ample on street spaces to accommodate three spaces of parking relief. This is the minimum relief necessary to have a restaurant at this location. Note: The parking memo states relief of 4 spaces is needed, this was accurate to a prior seating plan that is not being reviewed by the ZBA.

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 lessen congestion in the streets; 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 district, which is, "To establish and preserve business areas bordering main thoroughfares that are attractive to a wide range of uses, including retail business and services, housing, government, professional and medical offices, and places of amusement. While it is anticipated that most users will arrive by motor vehicle, it is intended that the area should be safe for and conducive to pedestrian traffic.

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 surrounding neighborhood is a mix of uses in an area anticipating many changes with the forthcoming green line extension. This building is part of the transition from Gilman Square to the residential district on Medford Street.

There are little to no impacts of the proposal. The parking memo indicates that there is ample parking in the area. Most patrons will come to the business from the neighborhood and will not drive. This relief is the least necessary to establish any sort of seating in this location.

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 vehicular access to the site will not change. Cars will parking in metered spaces in the surrounding area and walk to the site. No additional conflicts will be created.

7. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing. This project will have no effect on 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.

By allowing seating, this project will enhance the character of Gilman Square.

### III. RECOMMENDATION

#### Special Permit under §9.4 & 9.13

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 parking relief of 3 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>July 22, 2014</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>September 15, 2014</td><td>Modified plans submitted to OSPCD (A1 Floor Plan)</td></tr></table>				Date (Stamp Date)	Submission	July 22, 2014	Initial application submitted to the City Clerk’s Office	September 15, 2014	Modified plans submitted to OSPCD (A1 Floor Plan)
	Date (Stamp Date)				Submission					
	July 22, 2014				Initial application submitted to the City Clerk’s Office					
	September 15, 2014				Modified plans submitted to OSPCD (A1 Floor Plan)					
Any changes to the approved plan that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	The Applicant must contact the Engineering Department to obtain a street address prior to a building permit being issued.	BP	Engineer ing							
Construction Impacts										

3	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	
4	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	
<b>Miscellaneous</b>				
5	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	
6	The storefront windows should not be blocked by more than 30% by interior storage, signage or window coverings.	CO	Plng.	
<b>Public Safety</b>				
7	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
8	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.	

